



March 30, 2005

ENGROSSED

SENATE BILL No. 371

DIGEST OF SB 371 (Updated March 29, 2005 10:07 am - DI 109)

Citations Affected: IC 4-1; IC 6-3.1; IC 9-24; IC 9-27; IC 10-13; IC 11-10; IC 12-17; IC 20-1; IC 20-5.5; IC 20-6.1; IC 20-8.1; IC 20-10.1; IC 20-10.2; IC 20-12; IC 20-18; IC 20-20; IC 20-24; IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-32; IC 20-33; IC 21-6.1; IC 25-1; IC 25-33; IC 34-30; noncode.

Synopsis: Various education matters. Provides that the department of education rather than the professional standards board governs education, licensing, and professional development of teachers. Establishes a division within the department to administer these functions. Changes the current professional standards board into an advisory board to advise the state superintendent of public instruction, the state board of education, and the division of professional standards. Provides that the advisory board has rule-making authority. Establishes a fund to receive fee revenue. Establishes a teacher recruitment and retention fund. Requires training in cardiopulmonary resuscitation (CPR) and the Heimlich maneuver to obtain an initial license as a teacher. Provides that the ISTEP test must be administered during the spring semester for school years beginning after June 30, 2006. Provides for a pilot test of spring ISTEP testing in May, 2006. Requires the department of education to develop a ten year plan for student diagnostic and summative achievement assessment before August 2, 2005. Raises the age of mandatory school attendance from 16 to 18 years of age. Specifies that a student may withdraw from school before

(Continued next page)

Effective: Upon passage; July 1, 2005.

Kenley, Drozda

(HOUSE SPONSOR — BEHNING)

January 11, 2005, read first time and referred to Committee on Education and Career Development.

February 17, 2005, amended, reported favorably — Do Pass.

February 21, 2005, read second time, ordered engrossed.

February 22, 2005, engrossed.

February 24, 2005, read third time, passed. Yeas 32, nays 17.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Education.

March 29, 2005, amended, reported — Do Pass.

C
o
p
y

ES 371—LS 7790/DI 109+



becoming 18 years of age only for the reason of financial hardship, provided the student is employed and supporting the student's family or dependents. Requires a student who seeks to withdraw from school before becoming 18 years of age or graduating to sign a written acknowledgment that the student and the student's parent or guardian understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being unemployed or incarcerated in the future. Expands the reasons a work permit and driver's license may be denied. Requires by December 31, 2005, based on some contingencies, the department of education to study and make findings and recommendations to the legislative council on alternate methods for teacher licensing certification for teacher shortage areas. Allows individuals who have failed the written teacher licensing examination at least twice to receive detailed score reports and allows these individuals to prove content knowledge assessed in the written examination by alternate means. Repeals a redundant section and adds transitional provisions.

**C
o
p
y**



March 30, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 371

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY HEA 1288-2005,
2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:
10 (1) Department of state revenue.
11 (2) Department of workforce development.
12 (3) The programs administered by:
13 (A) the division of family and children;
14 (B) the division of mental health and addiction;
15 (C) the division of disability, aging, and rehabilitative services;
16 and
17 (D) the office of Medicaid policy and planning;

ES 371—LS 7790/DI 109+



C
o
p
y

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Health professions bureau.

(11) Indiana professional licensing agency.

(12) ~~Indiana~~ Department of insurance, with respect to licensing of insurance producers.

(13) A pension fund administered by the board of trustees of the public employees' retirement fund.

(14) The Indiana state teachers' retirement fund.

(15) The state police benefit system.

(16) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license,

C
o
p
y



supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-3.1-2-1, AS AMENDED BY HEA 1288-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, the following terms have the following meanings:

(1) "Eligible teacher" means a teacher:

(A) certified in a shortage area by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and

(B) employed under contract during the regular school term by a school corporation in a shortage area.

(2) "Qualified position" means a position that:

(A) is relevant to the teacher's ~~academic training~~ **education** in a shortage area; and

(B) has been approved by the Indiana state board of education under section 6 of this chapter.

(3) "Regular school term" means the period, other than the school summer recess, during which a teacher is required to perform duties assigned to the teacher under a teaching contract.

(4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

(5) "Shortage area" means the subject areas of mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.

(6) "State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-3 and IC 6-5.5, as computed after application of credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 3. IC 9-24-2-1, AS AMENDED BY HEA 1288-2005, SECTION 106, IS AMENDED TO READ AS FOLLOWS

C
o
p
y



[EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-33-2-11.
- (2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.
- (3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.
- (4) Has withdrawn from school **and:**

(A) withdrew before graduating;

(B) withdrew for a reason other than financial hardship; and

(C) the withdrawal was reported under IC 20-33-2-21(a), before graduating.

(5) Is considered a dropout under IC 20-33-2-9.5.

(b) At least five (5) days before holding an exit interview under ~~IC 20-33-2-6(a)(3)~~, **IC 20-33-2-9.5**, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent or guardian will receive a copy of the determination; and
 - (B) the student's name will be submitted **by the student's school principal** to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 4. IC 9-27-4-5.5, AS AMENDED BY HEA 1288-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

- (1) a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
- (2) at least five (5) years of teaching experience in driver education.

(b) The three (3) semester hours of supervised student teaching

C
o
p
y



experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.

(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

(1) during 1995, held an instructor's license;

(2) meets the requirements of subsection (d)(2) and (d)(3); and

(3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

(1) holds a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and

(2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 5. IC 10-13-3-38.5, AS AMENDED BY HEA

C
o
p
y



1 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544
 3 (86 Stat. 1115), the department may use an individual's fingerprints
 4 submitted by the individual for the following purposes:

5 (1) Determining the individual's suitability for employment with
 6 the state, or as an employee of a contractor of the state, in a
 7 position:

8 (A) that has a job description that includes contact with, care
 9 of, or supervision over a person less than eighteen (18) years
 10 of age;

11 (B) that has a job description that includes contact with, care
 12 of, or supervision over an endangered adult (as defined in
 13 IC 12-10-3-2), except the individual is not required to meet the
 14 standard for harmed or threatened with harm set forth in
 15 IC 12-10-3-2(a)(3);

16 (C) at a state institution managed by the office of the secretary
 17 of family and social services or state department of health;

18 (D) at the Indiana School for the Deaf established by
 19 IC 20-22-2-1;

20 (E) at the Indiana School for the Blind established by
 21 IC 20-21-2-1;

22 (F) at a juvenile detention facility;

23 (G) with the gaming commission under IC 4-33-3-16;

24 (H) with the department of financial institutions under
 25 IC 28-11-2-3; or

26 (I) that has a job description that includes access to or
 27 supervision over state financial or personnel data, including
 28 state warrants, banking codes, or payroll information
 29 pertaining to state employees.

30 (2) Identification in a request related to an application for a
 31 teacher's license submitted to the ~~professional standards board~~
 32 **department of education** established by ~~IC 20-28-2-1.~~
 33 **IC 20-19-3-1.**

34 An applicant shall submit the fingerprints in an appropriate format or
 35 on forms provided for the employment or license application. The
 36 department shall charge each applicant the fee established under
 37 section 28 of this chapter and by federal authorities to defray the costs
 38 associated with a search for and classification of the applicant's
 39 fingerprints. The department may forward fingerprints submitted by an
 40 applicant to the Federal Bureau of Investigation or any other agency for
 41 processing. The state personnel department or the agency to which the
 42 applicant is applying for employment or a license may receive the

C
o
p
y



results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 6. IC 11-10-5-2, AS AMENDED BY HEA 1288-2005, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory board of the division of professional standards** ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 7. IC 11-10-5-3, AS AMENDED BY HEA 1288-2005, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the **advisory board of the division of professional standards** ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2**. Modification of these rules may be made by the **advisory board of the division of professional standards** ~~board~~ in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special **training education** and qualifications warrant the waiver of part of the prerequisite professional **training education** required for certification to teach in the public schools. The limited certificate, however, may be issued only to applicants who have graduated from an accredited college or university. Teachers of vocational education need not be graduates of an accredited college or university but shall meet requirements for conditional vocational certificates as determined by the ~~professional standards board~~ **department of education**.

SECTION 8. IC 12-17-2-34, AS AMENDED BY HEA 1288-2005, SECTION 132, IS A MENED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that ~~includes~~ **does** the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:

C
o
p
y



- 1 (A) pays the obligor's child support arrearage in full;
 2 (B) requests the activation of an income withholding order
 3 under IC 31-16-15-2 and establishes a payment plan with the
 4 Title IV-D agency to pay the arrearage; or
 5 (C) requests a hearing under section 35 of this chapter;
 6 within twenty (20) days after the date the notice is mailed, the
 7 Title IV-D agency shall issue an order to the bureau of motor
 8 vehicles stating that the obligor is delinquent and that the
 9 obligor's driving privileges shall be suspended.
 10 (4) Explains that the obligor has twenty (20) days after the notice
 11 is mailed to do one (1) of the following:
 12 (A) Pay the obligor's child support arrearage in full.
 13 (B) Request the activation of an income withholding order
 14 under IC 31-16-15-2 and establish a payment plan with the
 15 Title IV-D agency to pay the arrearage.
 16 (C) Request a hearing under section 35 of this chapter.
 17 (5) Explains that if the obligor has not satisfied any of the
 18 requirements of subdivision (4) within twenty (20) days after the
 19 notice is mailed, that the Title IV-D agency shall issue a notice to:
 20 (A) the board **or department** that regulates the obligor's
 21 profession or occupation, if any, that the obligor is delinquent
 22 and that the obligor may be subject to sanctions under
 23 IC 25-1-1.2, including suspension or revocation of the
 24 obligor's professional or occupational license;
 25 (B) the supreme court disciplinary commission if the obligor
 26 is licensed to practice law;
 27 (C) the ~~professional standards board as~~ **department of**
 28 **education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** if the
 29 obligor is a licensed teacher;
 30 (D) the Indiana horse racing commission if the obligor holds
 31 or applies for a license issued under IC 4-31-6;
 32 (E) the Indiana gaming commission if the obligor holds or
 33 applies for a license issued under IC 4-33;
 34 (F) the commissioner of the department of insurance if the
 35 obligor holds or is an applicant for a license issued under
 36 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
 37 (G) the director of the department of natural resources if the
 38 obligor holds or is an applicant for a license issued by the
 39 department of natural resources under the following:
 40 (i) IC 14-22-12 (fishing, hunting, and trapping licenses).
 41 (ii) IC 14-22-14 (Lake Michigan commercial fishing
 42 license).

C
o
p
y



- 1 (iii) IC 14-22-16 (bait dealer's license).
- 2 (iv) IC 14-22-17 (mussel license).
- 3 (v) IC 14-22-19 (fur buyer's license).
- 4 (vi) IC 14-24-7 (nursery dealer's license).
- 5 (vii) IC 14-31-3 (ginseng dealer's license).
- 6 (6) Explains that the only basis for contesting the issuance of an
- 7 order under subdivision (3) or (5) is a mistake of fact.
- 8 (7) Explains that an obligor may contest the Title IV-D agency's
- 9 determination to issue an order under subdivision (3) or (5) by
- 10 making written application to the Title IV-D agency within twenty
- 11 (20) days after the date the notice is mailed.
- 12 (8) Explains the procedures to:
- 13 (A) pay the obligor's child support arrearage in full;
- 14 (B) establish a payment plan with the Title IV-D agency to pay
- 15 the arrearage; and
- 16 (C) request the activation of an income withholding order
- 17 under IC 31-16-15-2.
- 18 (b) Whenever the Title IV-D agency finds that an obligor is
- 19 delinquent and has failed to:
- 20 (1) pay the obligor's child support arrearage in full;
- 21 (2) establish a payment plan with the Title IV-D agency to pay the
- 22 arrearage and request the activation of an income withholding
- 23 order under IC 31-16-15-2; or
- 24 (3) request a hearing under section 35 of this chapter within
- 25 twenty (20) days after the date the notice described in subsection
- 26 (a) is mailed;
- 27 the Title IV-D agency shall issue an order to the bureau of motor
- 28 vehicles stating that the obligor is delinquent.
- 29 (c) An order issued under subsection (b) must require the following:
- 30 (1) If the obligor who is the subject of the order holds a driving
- 31 license or permit on the date the order is issued, that the driving
- 32 privileges of the obligor be suspended until further order of the
- 33 Title IV-D agency.
- 34 (2) If the obligor who is the subject of the order does not hold a
- 35 driving license or permit on the date the order is issued, that the
- 36 bureau of motor vehicles may not issue a driving license or permit
- 37 to the obligor until the bureau of motor vehicles receives a further
- 38 order from the Title IV-D agency.
- 39 (d) The Title IV-D agency shall provide the:
- 40 (1) full name;
- 41 (2) date of birth;
- 42 (3) verified address; and

C
o
p
y



(4) Social Security number or driving license number;
of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or **department** regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the ~~professional standards board~~ **department of education** if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

C
o
p
y



(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 9. IC 20-1-1-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) As used in this section, "board" refers to the **Indiana** state board of education established under section 1 of this chapter.

(b) As used in this section, "department" refers to the department of education established under IC 20-1-1.1-2.

(c) As used in this section, "governing body" has the meaning set forth in IC 20-10.1-1-5.

(d) As used in this section, "plan" refers to an Indiana school academic plan established under section 6.3 of this chapter.

(e) As used in this section, "program" refers to a professional development program.

(f) As used in this section, "school" includes the following:

- (1) A public school.
- (2) A nonpublic school that has voluntarily become accredited under section 6 of this chapter.

C
o
p
y



(g) As used in this section, "superintendent" has the meaning set forth in IC 20-10.1-1-6.

(h) A school shall develop a program as a component of a plan established by the school.

(i) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-10.2-3-1.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-10.2-3.

(j) A school committee shall submit the school's program to the superintendent for the superintendent's review. The superintendent:

(1) shall review the plan to ensure that the program aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the program to ensure alignment; and

(3) shall return the program and any recommendations to the school committee.

(k) A school committee may modify the program to comply with recommendations made by the superintendent under subsection (j).

(l) A school committee shall submit the program as part of its plan to the governing body. The governing body shall:

(1) approve or reject the program as part of the plan; and

(2) submit the program to the board as part of the plan for the school.

(m) The board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

**C
o
p
y**



- 1 (E) includes measurement activities to ensure the transfer of
- 2 new knowledge and skills to classroom instruction.
- 3 (2) A variety of resources, including needs assessments, an
- 4 analysis of data regarding student learning needs, professional
- 5 literature, research, and school improvement programs, are used
- 6 in developing the program.
- 7 (3) The program supports professional development for all
- 8 stakeholders.
- 9 (4) The program includes ongoing professional growth
- 10 experiences that provide adequate time and job embedded
- 11 opportunities to support school improvement and student
- 12 learning, including flexible time for professional development
- 13 that provides professional development opportunities before,
- 14 during, and after the regular school day and school year.
- 15 (5) Under the program, teacher time for professional development
- 16 sustains instructional coherence, participant involvement, and
- 17 continuity for students.
- 18 (6) The program includes effective, research based strategies to
- 19 support ongoing developmental activities.
- 20 (7) The program supports experiences to increase the effective
- 21 use of technology to improve teaching and learning.
- 22 (8) The program encourages diverse techniques, including
- 23 inquiry, reflection, action research, networking, study groups,
- 24 coaching, and evaluation.
- 25 (9) The program includes a means for evaluating the effectiveness
- 26 of the program and activities under the program.
- 27 (n) The board shall approve an evaluation system for professional
- 28 development based on recommendations from the department and the
- 29 ~~professional standards board;~~ **advisory board for the division of**
- 30 **professional standards established by IC 20-1-1.4-3.** The department
- 31 shall develop a means for measuring successful programs and activities
- 32 in which schools participate. The measurements must include the
- 33 following:
- 34 (1) A mechanism to identify and develop strategies to collect
- 35 multiple forms of data that reflect the achievement of expectations
- 36 for all students. The data may include the results of ISTEP tests
- 37 under IC 20-10.1-16, local tests, classroom work, and teacher and
- 38 administrator observations.
- 39 (2) A procedure for using collected data to make decisions.
- 40 (3) A method of evaluation in terms of educator's practice and
- 41 student learning, including standards for effective teaching and
- 42 effective professional development.

C
o
p
y



(o) A school qualifies for a grant from the department when the school's program, developed and submitted under this section, is approved by the board upon recommendation of the department. For purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

- (1) review;
- (2) suggest changes to; and
- (3) recommend approval or rejection of;

a school's program.

(p) A school must use a grant received under this section to implement all or part of the school's program by funding activities that may include the following:

- (1) Partnership programs with other entities, including professional development schools.
- (2) Teacher leadership academies, research teams, and study groups.
- (3) Workshops, seminars, and site visits.
- (4) Cooperative programs with other school corporations.
- (5) National board certification for teachers.

(q) A school may contract with private or public sector providers to provide professional development activities under this section.

(r) A grant received under this section:

- (1) shall be expended only for the conduct of activities specified in the program; and
- (2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(s) A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this section is not eligible for a subsequent grant.

SECTION 10. IC 20-1-1.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~Notwithstanding IC 20-1-1.1-1,~~ As used in this chapter, "**advisory board**" refers to the ~~professional standards board~~ **advisory board for the division of professional standards** established by ~~section 2~~ **section 3** of this chapter.

SECTION 11. IC 20-1-1.4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. As used in this chapter, "division" refers to the division of professional standards established by section 2.5 of this chapter.**

SECTION 12. IC 20-1-1.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **Except as provided**

C
o
p
y



in section 7 of this chapter, the professional standards board is established to govern teacher training and licensing programs. Notwithstanding any other law, the board and the board's staff have **department has** the sole authority and responsibility for making recommendations concerning and otherwise governing teacher training education and teacher licensing matters, **including professional development.**

SECTION 13. IC 20-1-1.4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 14. IC 20-1-1.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **The advisory board for the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development.** The advisory board consists of nineteen (19) voting members.

(b) Each voting member of the **advisory** board described in this subsection and subsections (c) and (d) must hold an Indiana teacher's license and must be actively employed by a school corporation unless otherwise provided. Eighteen (18) members shall be appointed by the governor as follows:

- (1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.
- (2) Two (2) members must:
 - (A) hold licenses as public school principals;
 - (B) be actively employed as public school principals; and
 - (C) be employed at schools having dissimilar grade level configurations.
- (3) One (1) member must:
 - (A) hold a license as a special education director; and
 - (B) be actively employed as a special education director in:
 - (i) a school corporation; or
 - (ii) a public school special education cooperative.
- (4) One (1) member must be a member of the governing body of a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.
- (5) Three (3) members must meet the following conditions:
 - (A) Represent Indiana teacher **training education** units within

C
o
p
y



- 1 Indiana public and private institutions of higher education.
 2 (B) Hold a teacher's license but not necessarily an Indiana
 3 teacher's license.
 4 (C) Be actively employed by the respective teacher ~~training~~
 5 **education** units but are not required to be employed by a
 6 school corporation.
 7 (6) Nine (9) members must be licensed and actively employed as
 8 Indiana public school teachers in the following categories:
 9 (A) At least one (1) member must hold an Indiana standard
 10 early childhood education license.
 11 (B) At least one (1) member must hold an Indiana teacher's
 12 license in elementary education.
 13 (C) At least one (1) member must hold an Indiana teacher's
 14 license for middle/junior high school education.
 15 (D) At least one (1) member must hold an Indiana teacher's
 16 license in high school education.
 17 (7) One (1) member must be a member of the business
 18 community in Indiana, but is not required to be actively employed
 19 by a school corporation or to hold an Indiana teacher's license.
 20 (c) Each member described in subsection (b)(6) must be licensed
 21 and actively employed as a practicing teacher in at least one (1) of the
 22 following areas to be appointed:
 23 (1) At least one (1) member must be licensed in special education.
 24 (2) At least one (1) member must be licensed in vocational
 25 education.
 26 (3) At least one (1) member must be employed and licensed in
 27 student services, which may include school librarians or
 28 psychometric evaluators.
 29 (4) At least one (1) member must be licensed in social science
 30 education.
 31 (5) At least one (1) member must be licensed in fine arts
 32 education.
 33 (6) At least one (1) member must be licensed in English or
 34 language arts education.
 35 (7) At least one (1) member must be licensed in mathematics
 36 education.
 37 (8) At least one (1) member must be licensed in science
 38 education.
 39 (d) At least one (1) of the voting members described in subsections
 40 (b) and (c) must be a parent of a student enrolled in a public preschool
 41 or public school within a school corporation in either kindergarten or
 42 any of grades 1 through 12.

C
o
p
y



(e) The ~~state~~ superintendent shall serve as an ex officio voting member of the **advisory** board. The ~~state~~ superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.

SECTION 15. IC 20-1-1.4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The term of office for the appointed members of the **advisory** board is four (4) years.

SECTION 16. IC 20-1-1.4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **The superintendent shall appoint the chairman director of the advisory board, shall be elected by a majority of the members of the board who shall be known as the secretary of professional standards,** from among the members of the **advisory** board for a term of one (1) year. A member may be ~~reelected~~ **reappointed** to serve as a ~~chairman~~ **director** for subsequent terms.

SECTION 17. IC 20-1-1.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 18. IC 20-1-1.4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) **Subject to subsection (c) and** in addition to the powers and duties set forth in IC 20-6.1, the **advisory** board ~~shall~~ **may** adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and ~~administer for the administration of~~ a professional licensing and certification process **by the department.**
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreement with other states to acquire reciprocal approval of teacher preparation programs.

C
o
p
y



(6) Set standards for teacher licensing relative to new subjects of study.

(7) Evaluate work experience and military service relative to higher education and experience equivalency.

(8) Perform any other action that relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education and that attracts qualified candidates for teacher **training education** from among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-1-1.9.

(b) Notwithstanding subsection (a)(1), a person shall earn one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the person holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the superintendent for approval. If the superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

SECTION 19. IC 20-1-1.4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~board~~ **department** may recommend to the general assembly for consideration of the general assembly measures relating to the ~~board's~~ **department's** powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The ~~board~~ **department** shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the **department, the division, and the advisory** board; and

(2) including any recommendations developed ~~by the board~~ **under this chapter.**

SECTION 20. IC 20-1-1.4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The ~~board~~ **department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter:**

(1) Establish advisory committees the ~~board~~ **department** determines are necessary.

(2) Expend funds made available to the ~~board~~ **department**

C
o
p
y



according to policies established by the budget agency.

(b) The ~~board~~ **department** shall comply with the requirements for submitting a budget request to the budget agency, as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 21. IC 20-1-1.4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. IC 4-21.5 applies to orders issued ~~by the board:~~ **under this chapter.**

SECTION 22. IC 20-1-1.4-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

SECTION 23. IC 20-1-1.9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the ~~professional standards board~~ **established by IC 20-1-1.4-2: department.**

(2) Be employed by a:

- (A) developmental center;
- (B) state hospital;
- (C) public or private hospital;
- (D) mental health center;
- (E) rehabilitation center;
- (F) private school; or
- (G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the ~~professional standards board~~ **department** that the applicant has received at least a sixty (60) semester hour master's or specialist degree in school psychology from:

- (A) a recognized institution of higher learning; or
- (B) an educational institution not located in the United States that has a program of study that meets the standards of the ~~board:~~ **department.**

C
o
p
y



(4) Furnish satisfactory evidence to the ~~professional standards~~
~~board department~~ that the applicant has demonstrated graduate
level competency through the successful completion of course
work and a practicum in the areas of assessment and counseling.

(5) Furnish satisfactory evidence to the ~~professional standards~~
~~board department~~ that the applicant has at least one thousand
two hundred (1,200) hours of school psychology experience
beyond the master's degree level. At least six hundred (600) hours
must be in a school setting under the supervision of any of the
following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist licensed under IC 20-1-1.4.

(6) Furnish satisfactory evidence to the ~~professional standards~~
~~board department~~ that the applicant has completed, in addition
to the requirements in subdivision (5), at least four hundred (400)
hours of supervised experience in identification and referral of
mental and behavioral disorders, including at least one (1) hour
each week of direct personal supervision by a:

(A) physician licensed under IC 25-22.5;

(B) psychologist licensed under IC 25-33; or

(C) school psychologist endorsed under this chapter;
with at least ten (10) hours of direct personal supervision.

(7) Furnish satisfactory evidence to the ~~professional standards~~
~~board department~~ that the applicant has completed, in addition
to the requirements of subdivisions (5) and (6), fifty-two (52)
hours of supervision with a physician licensed under IC 25-22.5,
a psychologist licensed under IC 25-33, or a school psychologist
endorsed under this chapter that meets the following
requirements:

(A) The fifty-two (52) hours must be completed within at least
twenty-four (24) consecutive months but not less than twelve
(12) months.

(B) Not more than one (1) hour of supervision may be
included in the total for each week.

(C) At least nine hundred (900) hours of direct client contact
must take place during the total period under ~~subdivision~~
~~clause~~ (A).

(8) Furnish satisfactory evidence to the ~~professional standards~~
~~board department~~ that the applicant does not have a conviction
for a crime that has a direct bearing on the applicant's ability to
practice competently.

C
o
p
y



- (9) Furnish satisfactory evidence to the ~~professional standards board~~ **department** that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.
- (10) Pass the examination provided by the ~~professional standards board~~ **department**.

SECTION 24. IC 20-5.5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) Any Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the Indiana state board of education.
- (3) A rule or guideline adopted by the **advisory board of the division of professional standards board of the department of education** (established by ~~IC 20-1-1.4-2~~, **IC 20-1-1.4-3**), except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 25. IC 20-6.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. As used in this article, "advisory board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-1-1.4-3.**

SECTION 26. IC 20-6.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this article, the term "license" refers to any document issued by the ~~professional standards board established by IC 20-1-1.4~~, **which department that** grants permission to serve as a particular kind of teacher. The term includes but is not necessarily limited to any certificate or permit issued by the ~~professional standards board~~ **department**.

(b) As used in this article, the term "kind of license" refers to the various types and grades of licenses.

SECTION 27. IC 20-6.1-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Definition; "Teacher"~~. As used in this article, the term "teacher" means a professional person whose position in the school corporation requires

C
o
p
y



certain ~~teacher training preparations~~ **educational preparation** and licensing. The term includes, but is not limited to, any superintendent, supervisor, principal, attendance officer, teacher, or librarian.

SECTION 28. IC 20-6.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** The ~~professional standards board established by IC 20-1-1.4~~ **department** shall:

(1) arrange a statewide system of professional instruction for teacher ~~training~~; **education**;

(2) accredit and inspect teacher ~~training~~ **education** schools and departments which comply with the rules of the ~~professional standards board~~; **department**;

(3) recommend and approve courses for the ~~training~~ **education** of particular kinds of teachers in accredited schools and departments; and

(4) specify the kinds of licenses for graduates of approved courses.

(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest professional standards.

SECTION 29. IC 20-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Each accredited school and department may use the word "accredited" in advertising its approved courses and the kind of teachers it is accredited to prepare. Each accredited school and department may enter into the student teaching agreements specified in IC 20-5-10.

(b) The ~~professional standards board~~ **department** shall revoke this right to use the word "accredited" when an accredited school or department refuses to abide by the ~~professional standards advisory board's~~ rules.

SECTION 30. IC 20-6.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~board~~ **department** is responsible for the licensing of teachers.

SECTION 31. IC 20-6.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory** board may adopt rules for:

(1) the issuance of a substitute license; and

(2) the employment of substitute licensees.

A person may not serve as a substitute teacher without a license issued by the ~~board~~; **department**.

SECTION 32. IC 20-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~

C
o
p
y



department shall designate:

- (1) the grade average required for each kind of license; and
- (2) the kinds of license to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The ~~board~~ **department** shall determine details of licensing not provided in this chapter. These details may include requirements regarding:

- (1) the conversion of one **(1)** kind of license into another;
- (2) the accreditation of teacher ~~training~~ **education** schools and departments;
- (3) the exchange and renewal of licenses;
- (4) the endorsement of another state's license;
- (5) the acceptance of credentials from teacher ~~training~~ **education** institutions of another state;
- (6) the academic and professional preparation for each kind of license;
- (7) the granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license;
- (8) the issuance of licenses on credentials;
- (9) the kind of license for each school position;
- (10) the size of an elementary school requiring a licensed principal; and
- (11) other related matters.

However, the ~~board~~ **department** shall ~~not later than December 31, 1984,~~ establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) ~~Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:~~

- (1) ~~Has successfully completed a course approved by the board in:~~
 - (A) ~~cardiopulmonary resuscitation that includes a test demonstration on a mannequin;~~
 - (B) ~~removing a foreign body causing an obstruction in an airway; and~~
 - (C) ~~the Heimlich maneuver.~~
- (2) ~~Holds a valid certification in the procedures described in subdivision (1) issued by:~~
 - (A) ~~the American Red Cross;~~
 - (B) ~~the American Heart Association; or~~



C
o
p
y

1 (C) a comparable organization or institution approved by
2 the board.

3 (3) Has physical limitations that make it impracticable for the
4 applicant to complete the course and certification required
5 under subdivisions (1) and (2).

6 (c) (d) The ~~board~~ department shall periodically publish bulletins
7 regarding:

- 8 (1) the details described in subsection (b);
- 9 (2) information on the kinds of licenses issued;
- 10 (3) the rules governing the issuance of each kind of license; and
- 11 (4) other similar matters.

12 SECTION 33. IC 20-6.1-3-7 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) On the written
14 recommendation of the state superintendent, the ~~board~~ department
15 may suspend or revoke a license for:

- 16 (1) immorality;
- 17 (2) misconduct in office;
- 18 (3) incompetency; or
- 19 (4) willful neglect of duty.

20 However, for each suspension or revocation, the ~~board~~ department
21 shall comply with IC 4-21.5-3.

22 (b) This subsection applies when a prosecuting attorney knows that
23 a licensed employee of a public school (as defined in IC 20-10.1-1-2)
24 or a nonpublic school has been convicted of an offense listed in
25 subsection (d). The prosecuting attorney shall immediately give written
26 notice of the conviction to the following:

- 27 (1) The state superintendent.
- 28 (2) Except as provided in subdivision (3), the superintendent of
29 the school corporation that employs the licensed employee or the
30 equivalent authority for the nonpublic school.
- 31 (3) The presiding officer of the governing body of the school
32 corporation that employs the licensed employee, if the convicted
33 licensed employee is the superintendent of the school corporation.

34 (c) The superintendent of a school corporation, presiding officer of
35 the governing body, or equivalent authority for a nonpublic school shall
36 immediately notify the state superintendent when the person knows that
37 a current or former licensed employee of the public school or nonpublic
38 school has been convicted of an offense listed in subsection (d).

39 (d) The ~~board~~ department, after holding a hearing on the matter,
40 shall permanently revoke the license of a person who is known by the
41 ~~board~~ department to have been convicted of any of the following
42 felonies:

C
o
p
y



(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

(13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(e) A license may be suspended by the state superintendent as specified in IC 20-6.1-4-13.

SECTION 34. IC 20-6.1-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.1. (a) As used in this section, "applicant" refers to an applicant for:

(1) a new license;

(2) a renewal license; or

(3) a substitute teacher certificate;

issued by the ~~board~~ department.

(b) As used in this section, "limited criminal history" has the meaning set forth in IC 10-13-3-11.

(c) As used in this section, "disposition" has the meaning set forth in IC 10-13-3-7.

(d) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

C
o
p
y



(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the **board department** the limited criminal history for the applicant.

(4) Submit to the **board department** a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(e) The **board department** may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(f) The **board department** must use the information obtained under this section in accordance with IC 10-13-3-29.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 35. IC 20-6.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The **board department** shall keep a record of:

(1) all licenses issued;

(2) all licenses in force; and

(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) Each superintendent shall register and keep a record of:

(1) the kind of license held by each teacher;

(2) each teacher's date of first employment; and

(3) each teacher's annual or monthly salary.

SECTION 36. IC 20-6.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The **board department** shall not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. These semester hours may include graduate hours, undergraduate hours, or both, as determined by the **board department**.

(b) The **advisory** board may adopt rules under IC 4-22-2 to create exceptions to subsection (a), and may grant individual waivers to subsection (a).

(c) This section does not apply to anyone who, on or before September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

C
o
p
y



SECTION 37. IC 20-6.1-3-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10.1. (a) The ~~board~~ **department** may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ **department**:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:
 - (A) phonemic awareness; and
 - (B) phonics instruction.

(b) Each individual who completes a written examination described in subsection (a) must receive the following from the examination's scorer:

- (1) The individual's total test score.
- (2) Subscores for each area tested.
- (3) Itemized descriptions of the areas in which the individual was found to be deficient.

(c) This subsection applies to an individual who has attempted the written examination described in subsection (a) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination.

~~(b)~~ (d) An individual's license examination score may not be disclosed by the ~~board~~ **department** without the individual's consent unless specifically required by state or federal statute or court order.

~~(c)~~ (e) The **advisory** board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (a).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

C
O
P
Y



(f) The **advisory** board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for individuals holding valid ~~teachers~~ **teacher's** licenses issued by another state.

(g) Subsection (a) does not apply to individuals holding Indiana limited, reciprocal, or standard teaching licenses on June 30, 1985.

(h) If the ~~board~~ **department** is notified by the department of state revenue that a person is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the person until:

(1) the person provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the person's delinquent tax liability has been satisfied; or

(2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 38. IC 20-6.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) As used in this section, "program" refers to the transition to teaching program established by subsection (b).

(b) The transition to teaching program is established to accomplish the following:

(1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.

(2) Allow competent professionals who do not hold a teaching license to earn and be issued a teaching license through participation in and satisfactory completion of the program.

(c) Subject to the requirements of this section, the ~~board~~ **department** shall develop and administer the program. The ~~board~~ **department** shall determine the details of the program that are not included in this section.

(d) Each accredited teacher ~~training~~ **education** school and department shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this subsection must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, up to eighteen (18) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program

C
o
p
y



participant has met the education requirements under subsection (e), unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in the teaching of reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

(e) A person who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education in the subject area that the person intends to teach.

(B) A graduate degree from an accredited institution of higher education in the subject area that the person intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited institution of higher education with a grade point average of two and five-tenths (2.5) on a four (4) point scale; and

(ii) five (5) years of professional experience;

in the subject area that the person intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited institution of higher education with a grade point average of two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years of professional experience in an education-related field.

C
o
p
y



(f) The ~~board~~ **department** shall grant an initial standard license to a program participant who does the following:

(1) Successfully completes the higher education component of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under section 10.1(a) of this chapter.

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 (repealed) that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, ~~participates~~ **continues participation** in the beginning teacher internship program. ~~for a second year, as provided under IC 20-6.1-8-13 (repealed). The appeals provisions of IC 20-6.1-8-14 (repealed) apply to an assessment under this subdivision.~~

(g) This subsection applies to a program participant who has a degree described in subsection (e) that does not include all the content areas of a standard license issued by the ~~board~~ **department**. The ~~board~~ **department** shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

(h) A school corporation may hire a program participant to teach only in the subject area in which the participant meets the qualifications set forth under subsection (e).

(i) After receiving an initial standard license under subsection (f) or (g), a program participant who seeks to renew the participant's initial standard license must meet the same requirements as other candidates for license renewal.

(j) The **advisory** board may adopt rules under IC 4-22-2 to administer this section. Rules adopted under this subsection must include a requirement that accredited teacher ~~training~~ **education** schools and departments submit an annual report to the ~~board~~ **department** of the number of individuals who:

C
o
p
y



- 1 (1) enroll in; and
 2 (2) complete;
 3 the program.

4 SECTION 39. IC 20-6.1-5-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Computation of
 6 minimum salary shall be made each school year on the basis of the
 7 teacher's ~~training~~, **education**, experience, and degree, completed as of
 8 the first day of service. If a teacher is licensed by the ~~professional~~
 9 ~~standards board~~ **department** on the first day of service in the current
 10 school year or on another date as agreed by the school employer and
 11 the exclusive representative under IC 20-7.5, the minimum salary of
 12 the public school teacher is as follows:

13 (1) The minimum salary of a teacher who has completed four (4)
 14 years or one hundred forty-four (144) weeks of professional
 15 ~~training~~, **education**, for service during a nine (9) months school
 16 term, is five thousand two hundred dollars (\$5,200). To this
 17 salary, an increment of one hundred fifty dollars (\$150) shall be
 18 added for each of the first ten (10) years of experience. An
 19 increment of two hundred fifty dollars (\$250) shall be added to
 20 this salary after the fifteenth year and again after the twentieth
 21 year of experience.

22 (2) The minimum salary of a teacher who has completed five (5)
 23 years or one hundred eighty (180) weeks of professional ~~training~~,
 24 **education**, for service during a nine (9) months school term, is
 25 five thousand five hundred dollars (\$5,500). To this salary, an
 26 increment of one hundred fifty dollars (\$150) shall be added for
 27 each of the first eighteen (18) years of experience. An increment
 28 of three hundred dollars (\$300) shall be added to this salary after
 29 each of the following years of experience:

- 30 (A) The nineteenth.
 31 (B) The twentieth.
 32 (C) The twenty-second.
 33 (D) The twenty-fourth.
 34 (E) The twenty-sixth.
 35 (F) The thirtieth.

36 (3) The beginning salary of a teacher who has completed less than
 37 four (4) years of professional ~~training~~, **education**, for service
 38 during a nine (9) months school term, is four thousand seven
 39 hundred dollars (\$4,700). To this salary, an increment of one
 40 hundred twenty dollars (\$120) shall be added after each of the
 41 first ten (10) years of experience.

42 SECTION 40. IC 20-6.1-5-2 IS AMENDED TO READ AS

C
o
p
y



FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If the school term of or contract with a school corporation is more or less than nine (9) months, the minimum salary as set forth in section 1 of this chapter shall be proportionately increased or decreased.

(b) The ~~professional standards board~~ **department** shall require:

- (1) a bachelor's degree from an accredited teacher ~~training~~ **education** institution for each teacher seeking to qualify for the first time for classification under section 1(1) of this chapter; and
- (2) a master's degree for each teacher seeking to qualify for the first time for classification under section 1(2) of this chapter. Five (5) years of ~~training~~ **education** may not be recognized unless at least a bachelor's degree has been completed.

(c) In fixing the annual salary of teachers when contracting with them or when distributing state funds, a fraction of less than one-half (1/2) of a dollar is dropped while a fraction of one-half (1/2) or more is adjusted to the next whole dollar.

SECTION 41. IC 20-6.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who:

(1) holds: ~~at~~

- (A) ~~a~~ professional license;
- (B) ~~a~~ provisional license;
- (C) ~~a~~ limited license; or
- (D) an equivalent license, which is issued by the ~~professional standards board~~; **department**; and

(2) serves as an occasional substitute teacher; shall be compensated on the pay schedule for substitutes of the school corporation ~~he~~ **the person** serves.

(b) A person who:

(1) holds a:

- (A) professional license; or
- (B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days; shall be compensated on the regular pay schedule for teachers of the school corporation ~~he~~ **the person** serves.

SECTION 42. IC 20-8.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. With the exception of ex officio attendance officers, no person may hold the position of attendance officer unless ~~he~~ **the person** has complied with all standards of the ~~professional standards board~~ **department** and has been properly licensed by ~~that body~~; **the department**.

SECTION 43. IC 20-8.1-3-17 IS AMENDED TO READ AS

C
o
p
y



FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

(2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and **meets** the requirements under ~~subsection (j) concerning an exit interview are met~~ **section 17.6 or 17.7 of this chapter**, enabling the individual to withdraw from school before graduation. ~~or~~

(3) Reaches at least eighteen (18) years of age.
~~whichever occurs first.~~

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual

C
o
p
y



who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

- (1) enroll the individual in a nonaccredited, nonpublic school; or
- (2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) ~~A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

**c
o
p
y**



(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and

(2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

~~(k)~~ (j) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 44. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

(1) a definition of a student who is designated as a habitual truant, **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**

(2) the procedures under which subsection (b) will be administered; and

(3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's permit, and subject to subsections (c) through (e), a person who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (a); and

(3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's

C
o
p
y



1 permit.

2 (f) Before February 1 and before October 1 of each year, the
3 governing body of the school corporation shall submit to the bureau of
4 motor vehicles the pertinent information concerning a person's
5 ineligibility under subsection (b) to be issued the license or permit.

6 (g) The department of education shall develop guidelines
7 concerning criteria used in defining a habitual truant that may be
8 considered by a governing body in complying with subsection (a).

9 SECTION 45. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: **Sec. 17.6. (a) This section applies to an**
12 **individual:**

13 (1) **who:**

14 (A) **attends or last attended a nonpublic nonaccredited**
15 **school;**

16 (B) **is at least sixteen (16) years of age but less than**
17 **eighteen (18) years of age; and**

18 (C) **has not completed the requirements for graduation;**
19 **and**

20 (2) **who:**

21 (A) **wishes to withdraw from school before graduation;**

22 (B) **fails to return at the beginning of a semester; or**

23 (C) **stops attending school during a semester.**

24 (b) **An individual to whom this section applies may withdraw**
25 **from school only if the individual's principal and parent provide**
26 **written consent.**

27 SECTION 46. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an**
30 **individual:**

31 (1) **who:**

32 (A) **attends or last attended a public or nonpublic**
33 **accredited school;**

34 (B) **is at least sixteen (16) years of age but less than**
35 **eighteen (18) years of age; and**

36 (C) **has not completed the requirements for graduation;**

37 (2) **who:**

38 (A) **wishes to withdraw from school before graduation;**

39 (B) **fails to return at the beginning of a semester; or**

40 (C) **stops attending school during a semester; and**

41 (3) **who has no record of transfer to another school.**

42 (b) **An individual to whom this section applies may withdraw**

C
O
P
Y



from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.
- (5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.
- (6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.
- (7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-5.5-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;
 and for whom there is no record of transfer to another

**C
o
p
y**



- 1 school.
- 2 (2) The number of individuals who withdrew from school for
- 3 the reason set forth in subsection (b)(4).
- 4 (f) If an individual to which this section applies:
- 5 (1) has not received consent to withdraw from school under
- 6 this section; and
- 7 (2) fails to return to school at the beginning of a semester or
- 8 during the semester;
- 9 the principal of the school that the individual last attended shall
- 10 deliver by certified mail or personal delivery to the bureau of child
- 11 labor a record of the individual's failure to return to school so that
- 12 the bureau of child labor revokes any employment certificates
- 13 issued to the individual and does not issue any additional
- 14 employment certificates to the individual. For purposes of
- 15 IC 20-8.1-4-12, the individual shall be considered a dropout.
- 16 (g) At the same time that a school principal delivers the record
- 17 under subsection (f), the principal shall deliver by certified mail or
- 18 personal delivery to the bureau of motor vehicles a record of the
- 19 individual's failure to return to school so that the bureau of motor
- 20 vehicles revokes any driver's license or learner's permit issued to
- 21 the individual and does not issue any additional driver's licenses or
- 22 learner's permits to the individual before the individual is at least
- 23 eighteen (18) years of age. For purposes of IC 9-24-2-1, the
- 24 individual shall be considered a dropout.
- 25 (h) If:
- 26 (1) a principal has delivered the record required under
- 27 subsection (f) or (g), or both; and
- 28 (2) the school subsequently gives consent to the individual to
- 29 withdraw from school under this section,
- 30 the principal of the school shall send a notice of withdrawal to the
- 31 bureau of child labor and the bureau of motor vehicles by certified
- 32 mail or personal delivery. For purposes of IC 20-8.1-4-12 and
- 33 IC 9-24-2-1, the individual shall no longer be considered a dropout.
- 34 SECTION 47. IC 20-8.1-4-12 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as**
- 36 **provided in subsection (b)**, upon presentation of the documents
- 37 required by section 7 of this chapter, an employment certificate shall
- 38 be issued immediately to the child. ~~However, an issuing officer may~~
- 39 ~~deny a certificate to a child:~~
- 40 (1) ~~whose attendance is not in good standing; or~~
- 41 (2) ~~whose academic performance does not meet the school~~
- 42 ~~corporation's standard.~~

C
o
p
y



(b) An employment certificate may not be issued to a student who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.
- (4) Is considered a dropout under IC 20-8.1-3-17.7.
- (5) Does not meet the academic performance standards of the school corporation.

(c) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

(d) A student may appeal the denial of a certificate under subsection (a) to the school principal.

(e) At least five (5) days before holding an exit interview under IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent will receive a copy of the determination; and
 - (B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section.

SECTION 48. IC 20-8.1-6.1-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or
- (2) a nonprofit corporation that:
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
 - (B) for its classroom instruction, employs teachers who are certified by the ~~professional standards board~~; **department**;
 - (C) employs other professionally and state licensed staff as

C
o
p
y



appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department; or

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 5(b) of this chapter;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

SECTION 49. IC 20-10.1-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) Notwithstanding IC 20-10.1-1-0.5, this section applies only to public schools (as defined in IC 20-10.1-1-2).

(b) As used in this section, "good citizenship instruction" means integrating into the current curriculum instruction that stresses the nature and importance of the following:

(1) Being honest and truthful.

(2) Respecting authority.

(3) Respecting the property of others.

(4) Always doing one's personal best.

(5) Not stealing.

(6) Possessing the skills necessary to live peaceably in society and not resorting to violence to settle disputes, including methods of conflict resolution.

(7) Taking personal responsibility for obligations to family and community.

(8) Taking personal responsibility for earning a livelihood.

C
o
p
y



(9) Treating others the way one would want to be treated.

(10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.

(11) Respecting one's parents and home.

(12) Respecting one's self.

(13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall identify and make available to school corporations models of conflict resolution instruction, which may consist of a program of teacher ~~training~~ **education** with application of the techniques to the children in the classroom, to assist school corporations in complying with this section.

SECTION 50. IC 20-10.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) To:

(1) educate students on the importance of their future career choices;

(2) prepare students for the realities inherent in the work environment; and

(3) instill in students work values that will enable them to succeed in their respective careers;

~~and beginning with the 1994-95 school year,~~ each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

(1) integrate within the curriculum instruction that is; or

(2) conduct activities or special events periodically that are; designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models shall be developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through 10, career exploration models that offer students insight into future employment options.

(4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

C
o
p
y



(A) Initial job counseling, including the utilization of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher ~~training~~ **education** activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

SECTION 51. IC 20-10.1-7-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.5. (a) A school corporation may enter into an agreement with:

(1) another school corporation;

(2) an accredited nonpublic school; or

(3) entities described in both subdivisions (1) and (2);

to offer a joint summer school program for high school students under this section.

(b) An agreement under this section must:

(1) designate one (1) participating school corporation as the local education agency for the joint educational program; and

(2) specify how the costs of the joint summer school program, including compensation for teachers, will be allocated among the parties to the agreement.

(c) The parties to an agreement under subsection (a) may provide educational programs:

(1) that are not regularly provided as part of the established curriculum during the school year; and

(2) for which a student who successfully completes a program may receive high school and college credit under an articulation agreement or dual credit provision under IC 20-10.1-4.4-9, IC 20-12-1-9, or IC 20-12-17.1.

(d) Except as provided in subsection (e), an instructor for an educational program described in subsection (c) must be:

(1) licensed under IC 20-6.1; or

(2) granted a substitute teacher's license by the ~~professional standards board~~ **department**.

**C
O
P
Y**



(e) If the school superintendent of the school corporation that is the local education agency determines that there:

(1) is not a qualified licensed teacher available from the entities entering into an agreement under subsection (a); and

(2) is a qualified postsecondary instructor available;

to instruct in an educational program described under subsection (c), the superintendent may request the ~~professional standards board~~ **department** to issue a substitute teacher's license to the instructor of an educational program described in subsection (c).

(f) If the ~~professional standards board~~ **department** finds that there is not a qualified licensed teacher available from the entities entering into an agreement under subsection (a) to instruct in an educational program described under subsection (c), the ~~professional standards board~~ **department** may issue a substitute teacher's license to the instructor of an educational program described in subsection (c).

(g) An instructor for an educational program described under subsection (c) must be compensated at the same rate as that determined for a teacher under IC 20-6.1-4-8 and the local education agency's contract with certificated employees.

(h) The board shall adopt rules under IC 4-22-2 to govern the distribution of state funds for purposes of this section.

SECTION 52. IC 20-10.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall:

(1) authorize the development and implementation of the Indiana statewide testing for educational progress program; and

(2) determine the date, **which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year**, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

(3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:

(A) Test administration conducted during the first two (2)

C
o
p
y



weeks that end in May.

(B) Test scoring completed before June 16.

(C) Test results reported to teachers and parents before July 1.

(D) Yearly progress reported to parents and the federal government before July 16.

SECTION 53. IC 20-10.1-16-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:**

(1) has as its purposes to:

(A) provide teachers with diagnostic assessment tools during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct instruction accordingly;

(B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.

(2) uses:

(A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;

(B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;

(C) on-line end of course assessments in grades 9 through

**C
o
p
y**



12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;

(D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and
(E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;

(3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

(A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;

(B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;

(C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and

(D) provides for a common method and means by which teachers shall grade the independent written essay.

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications

**C
o
p
y**



1 must comply with this section. The initial specifications must
 2 provide for pilot assessments to be given in the period during the
 3 first two (2) weeks that end in May 1, 2006, and annual assessments
 4 to be given during the first two (2) weeks of May 2007. The process
 5 must solicit interest from national and international assessment
 6 companies, put out a request for proposals, and solicit proposals
 7 for a plan to transition to the assessment system provided for in
 8 this section and manage the system, subject to the specifications,
 9 until the school year beginning July 1, 2016, and ending June 30,
 10 2017, notwithstanding any other law that limits the maximum term
 11 of state contracts. Proposals received shall be reviewed jointly by
 12 the department and the office of management and budget, which
 13 shall jointly determine the successful bidder, subject to the
 14 approval of the attorney general for form and legality of the bid
 15 process. The bid process must be completed before January 1,
 16 2006.

17 (c) If a successful bidder is selected, the pilot test contemplated
 18 by section 4(c)(3) of this chapter for the period during the first two
 19 (2) weeks that end in May 2006, shall be replaced by the pilot test
 20 contemplated by this section.

21 SECTION 54. IC 20-10.1-16-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purposes of
 23 the ISTEP program developed under this chapter are as follows:

- 24 (1) To assess the strengths and weaknesses of school
 25 performance.
- 26 (2) To assess the effects of state and local educational programs.
- 27 (3) To compare achievement of students in Indiana to
 28 achievement of students on a national basis.
- 29 (4) To provide a source of information for state and local decision
 30 makers with regard to educational matters, including the
 31 following:
 - 32 (A) The overall academic progress of students.
 - 33 (B) The need for new or revised educational programs.
 - 34 (C) The need to terminate existing educational programs.
 - 35 (D) Student readiness for postsecondary school experiences.
 - 36 (E) Overall curriculum development and revision activities.
 - 37 (F) Identifying students who may need remediation under
 38 IC 20-10.1-17.
 - 39 (G) Diagnosing individual student needs.
 - 40 (H) Teacher ~~training~~ **education** and staff development
 41 activities.
- 42 (b) To carry out the purposes described in subsection (a), each

C
o
p
y



English/language arts and mathematics test developed for use under ISTEP must include the following:

- (1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.
- (2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.
- (3) A method of testing and grading that will allow comparison with national and international academic standards.

SECTION 55. IC 20-10.2-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The ~~professional standards board~~, in consultation with the department shall develop guidelines for use by accredited teacher ~~training~~ **education** institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency.

SECTION 56. IC 20-10.2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The department ~~in consultation with the professional standards board~~, shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

SECTION 57. IC 20-12-22.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 22.2. Teacher Recruitment and Retention Fund

Sec. 1. As used in this chapter, "board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.

Sec. 2. As used in this chapter, "fund" refers to the teacher recruitment and retention fund established by section 3 of this chapter.

Sec. 3. (a) The teacher recruitment and retention fund is established.

(b) The purpose of the fund is to attract additional qualified teachers to the geographic areas of Indiana where there is a critical shortage of teachers, as determined by the board, by granting loan repayment assistance authorized under this chapter to eligible applicants.

C
o
p
y



1 (c) The fund consists of gifts, grants, devises, or bequests made
2 to the state to achieve the purposes of the fund.

3 (d) The fund shall be administered by the board. The expenses
4 of administering the fund shall be paid from money in the fund.

5 (e) Funds appropriated to the fund shall be placed in the state
6 treasury to the credit of the fund. Loan repayment assistance
7 payments shall be made from the fund by the treasurer of state
8 upon a warrant issued by the auditor of state in accordance with
9 rules adopted by the board.

10 Sec. 4. The board shall receive and consider all applications for
11 loan repayment assistance received from teachers with outstanding
12 guaranteed student loans made, issued, or guaranteed under a
13 program authorized by Title IV of the Higher Education Act of
14 1965 (20 U.S.C. 1070 et seq.).

15 Sec. 5. (a) To qualify for loan repayment assistance for student
16 loans under this chapter a person must:

- 17 (1) hold a license to teach under IC 20-28-5;
- 18 (2) complete at least one (1) year of teaching service in a
19 geographic area of Indiana where a critical shortage of
20 teachers exists, as determined by the board;
- 21 (3) agree in writing to the employment requirements set forth
22 in section 7 of this chapter; and
- 23 (4) meet any additional criteria established by the board.

24 (b) For each year for which a teacher qualifies under subsection
25 (a), the board may grant loan repayment assistance to the teacher
26 in an amount not to exceed the lesser of:

- 27 (1) fifty percent (50%) of the total principal and interest of
28 the guaranteed student loans owed by the teacher during the
29 year for which the teacher qualifies under subsection (a); or
- 30 (2) three thousand dollars (\$3,000).

31 (c) The loan repayment assistance granted to a qualified teacher
32 under this chapter must be used to reduce the principal and
33 interest on a guaranteed student loan owed by that qualified
34 teacher. The years of service rendered to obtain loan repayment
35 assistance for student loans must be consecutive and may not
36 exceed five (5) years. The maximum amount of loan repayment
37 assistance that may be granted to any qualified teacher is fifteen
38 thousand dollars (\$15,000).

39 Sec. 6. A qualified teacher must apply for a loan repayment on
40 a form supplied by the board. The board shall consider each
41 application and determine the eligibility of the applicant for the
42 loan repayment assistance.

C
o
p
y



1 **Sec. 7. (a) Before being granted loan repayment assistance**
 2 **under this chapter, a teacher must enter into a contract with the**
 3 **board agreeing to the terms and conditions upon which the loan**
 4 **repayment assistance will be granted to the teacher.**

5 **(b) As a condition of being granted loan repayment assistance**
 6 **under this chapter, a teacher must agree to employment for a**
 7 **period of at least five (5) years as a licensed teacher in a school**
 8 **district located in a geographic area of Indiana where a critical**
 9 **shortage of teachers exists.**

10 **(c) Service rendered by a teacher in a geographic area where a**
 11 **critical shortage of teachers exists before that teacher becomes a**
 12 **participant in the program may not be considered to have fulfilled**
 13 **the employment commitment required by subsection (b).**

14 **(d) A person failing to comply with the employment**
 15 **commitment required by subsection (b) in any required school year**
 16 **is immediately in breach of contract and immediately becomes**
 17 **liable to the board for the sum of all loan payments awarded to**
 18 **that person, less one-third (1/3) of the amount of that sum for each**
 19 **year that service was rendered, plus interest accruing at the**
 20 **current federal Stafford Loan rate at the time the breach occurs.**

21 **Sec. 8. The board shall maintain complete and accurate records**
 22 **in implementing the fund, including records of the following:**

23 **(1) The receipt, disbursement, and uses of money from the**
 24 **fund.**

25 **(2) The number of applications for loan repayment assistance.**

26 **(3) The number and amount of loans for which loan**
 27 **repayment assistance has been provided by the board.**

28 **(4) Other pertinent information requested by the board.**

29 **Sec. 9. The board may adopt rules under IC 4-22-2 necessary to**
 30 **carry out this chapter, including rules governing the enforcement**
 31 **of any employment requirements and repayment requirements.**

32 **SECTION 58. IC 20-18-2-22, AS ADDED BY HEA 1288-2005,**
 33 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 34 **JULY 1, 2005]: Sec. 22. (a) "Teacher" means a professional person**
 35 **whose position in a school corporation requires certain ~~teacher training~~**
 36 **~~preparations~~ educational preparation and licensing.**

37 **(b) For purposes of IC 20-28, the term includes the following:**

38 **(1) A superintendent.**

39 **(2) A supervisor.**

40 **(3) A principal.**

41 **(4) An attendance officer.**

42 **(5) A teacher.**

C
O
P
Y



(6) A librarian.

SECTION 59. IC 20-20-31-10, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department and the **advisory board of the division of professional standards board** established by ~~IC 20-28-2-1~~. **IC 20-28-2-2**. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

SECTION 60. IC 20-24-8-4, AS ADDED BY HEA 1288-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) An Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the state board.

(3) A rule or guideline adopted by the **advisory board of the division of professional standards board of the department** established by ~~IC 20-28-2-1(a)~~, **IC 20-28-2-2**, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 61. IC 20-26-11-11, AS ADDED BY HEA 1288-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

C
o
p
y



(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the ~~professional standards board~~; **department**;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department; or

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 8(b) of this chapter;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

SECTION 62. IC 20-28-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. "Advisory board" refers to the advisory board of the division of professional standards established by IC 20-28-2-2.**

SECTION 63. IC 20-28-1-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Applicant" refers to an applicant for:

(1) a new license;

(2) a renewal license; or

(3) a substitute teacher certificate;

issued by the ~~board~~; **department**.

SECTION 64. IC 20-28-1-5.5 IS ADDED TO THE INDIANA

C
o
p
y



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: **Sec. 5.5 "Division" refers to the division of professional standards of the department of education established by IC 20-28-2-1.5.**

SECTION 65. IC 20-28-1-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "License" refers to a document issued by the **board department** that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the **board department**.

SECTION 66. IC 20-28-2-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in section 6 of this chapter, the professional standards board is established to govern teacher training and licensing programs: (b) Notwithstanding any other law, the board and the board's staff have department has the sole authority and responsibility for making recommendations concerning and governing teacher training education and teacher licensing matters, including professional development.**

SECTION 67. IC 20-28-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 68. IC 20-28-2-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) The advisory board of the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development. The advisory board consists of nineteen (19) voting members.**

(b) Except as otherwise provided, each voting member of the advisory board described in this subsection must be actively employed by a school corporation. Eighteen (18) members shall be appointed by the governor as follows:

- (1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.**
- (2) Two (2) members must:**
 - (A) hold licenses as public school principals;**
 - (B) be actively employed as public school principals; and**
 - (C) be employed at schools having dissimilar grade level**

C
o
p
y



- 1 configurations.
- 2 (3) One (1) member must:
- 3 (A) hold a license as a special education director; and
- 4 (B) be actively employed as a special education director in:
- 5 (i) a school corporation; or
- 6 (ii) a public school special education cooperative.
- 7 (4) One (1) member must be a member of the governing body of
- 8 a school corporation but is not required to be actively employed
- 9 by a school corporation or to hold an Indiana teacher's license.
- 10 (5) Three (3) members must meet the following conditions:
- 11 (A) Represent Indiana teacher ~~training~~ **education** units within
- 12 Indiana public and private institutions of higher education.
- 13 (B) Hold a teacher's license but not necessarily an Indiana
- 14 teacher's license.
- 15 (C) Be actively employed by the respective teacher ~~training~~
- 16 **education** units.
- 17 The members described in this subdivision are not required to be
- 18 employed by a school corporation.
- 19 (6) Nine (9) members must be licensed and actively employed as
- 20 Indiana public school teachers in the following categories:
- 21 (A) At least one (1) member must hold an Indiana standard
- 22 early childhood education license.
- 23 (B) At least one (1) member must hold an Indiana teacher's
- 24 license in elementary education.
- 25 (C) At least one (1) member must hold an Indiana teacher's
- 26 license for middle/junior high school education.
- 27 (D) At least one (1) member must hold an Indiana teacher's
- 28 license in high school education.
- 29 (7) One (1) member must be a member of the business
- 30 community in Indiana but is not required to be actively employed
- 31 by a school corporation or to hold an Indiana teacher's license.
- 32 (c) Each member described in subsection (b)(6) must be licensed
- 33 and actively employed as a practicing teacher in at least one (1) of the
- 34 following areas to be appointed:
- 35 (1) At least one (1) member must be licensed in special education.
- 36 (2) At least one (1) member must be licensed in vocational
- 37 education.
- 38 (3) At least one (1) member must be employed and licensed in
- 39 student services, which may include school librarians or
- 40 psychometric evaluators.
- 41 (4) At least one (1) member must be licensed in social science
- 42 education.

C
o
p
y



(5) At least one (1) member must be licensed in fine arts education.

(6) At least one (1) member must be licensed in English or language arts education.

(7) At least one (1) member must be licensed in mathematics education.

(8) At least one (1) member must be licensed in science education.

(d) At least one (1) member described in subsection (b) must be a parent of a student enrolled in a public preschool or public school within a school corporation in either kindergarten or any of grades 1 through 12.

(e) The state superintendent shall serve as an ex officio voting member of the **advisory** board. The state superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.

SECTION 69. IC 20-28-2-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The term of office for the appointed members of the **advisory** board is four (4) years.

SECTION 70. IC 20-28-2-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **The superintendent shall appoint the chairperson director of the advisory board, shall be elected by a majority of the members of the board who shall be known as the secretary of professional standards,** from among the members of the **advisory** board for a term of one (1) year. A member may be ~~reelected~~ **reappointed** to serve as a ~~chairperson director~~ for subsequent terms.

SECTION 71. IC 20-28-2-5, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

C
o
p
y



SECTION 72. IC 20-28-2-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Subject to subsection (c) and** in addition to the powers and duties set forth in IC 20-20-22 or this article, the **advisory board shall may** adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and **administer for the administration of** a professional licensing and certification process **by the department**.

(2) Approve or disapprove teacher preparation programs.

(3) Set fees to be charged in connection with teacher licensing.

(4) Suspend, revoke, or reinstate teacher licenses.

(5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.

(6) Set standards for teacher licensing concerning new subjects of study.

(7) Evaluate work experience and military service concerning higher education and experience equivalency.

(8) Perform any other action that:

(A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and

(B) attracts qualified candidates for teacher **training education** from among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

SECTION 73. IC 20-28-2-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The **board department** may recommend to the general assembly for consideration measures relating to the **board's department's** powers and duties that improve the quality of teacher

C
o
p
y



preparation or teacher licensing standards.

(b) The ~~board~~ **department** shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the **department, the division, and the advisory** board; and

(2) including any recommendations developed by the ~~board~~ **under this chapter.**

A report under this subsection must in an electronic format under IC 5-14-6.

SECTION 74. IC 20-28-2-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The ~~board~~ **department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter:**

(1) Establish advisory committees the ~~board~~ **department** determines necessary.

(2) Expend funds made available to the ~~board~~ **department** according to policies established by the budget agency.

(b) The ~~board~~ **department** shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 75. IC 20-28-2-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. IC 4-21.5 applies to orders issued by the ~~board~~ **department under this chapter.**

SECTION 76. IC 20-28-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

SECTION 77. IC 20-28-3-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The ~~board~~ **department** shall:

(1) arrange a statewide system of professional instruction for teacher ~~training~~ **education;**

(2) accredit and inspect teacher ~~training~~ **education** schools and departments that comply with the rules of the ~~board~~ **department;**

(3) recommend and approve courses for the ~~training~~ **education** of particular kinds of teachers in accredited schools and

C
o
p
y



departments; and

(4) specify the types of licenses for graduates of approved courses.

(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest professional standards.

SECTION 78. IC 20-28-3-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) An accredited school or department may use the word "accredited" in advertising approved courses and the types of teachers the school or department is accredited to prepare. An accredited school or department may enter into the student teaching agreements specified in IC 20-26-5.

(b) The ~~board~~ **department** shall revoke the right to use the word "accredited" when an accredited school or department refuses to abide by the **advisory** board's rules.

SECTION 79. IC 20-28-3-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~, ~~in consultation with the~~ department, shall develop guidelines for use by accredited teacher **training education** institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

SECTION 80. IC 20-28-4-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to the requirements of this chapter, the ~~board~~ **department** shall develop and administer the program. The ~~board~~ **department** shall determine the details of the program that are not included in this chapter.

SECTION 81. IC 20-28-4-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Each accredited teacher **training education** school and department in Indiana shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grades 6 through 12, up to eighteen (18) credit hours

C
o
p
y



of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 82. IC 20-28-4-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The **board department** shall grant an initial standard license to a program participant who does the following:

(1) Successfully completes the higher education component of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 (repealed) that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program under subdivision (3) from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, **participates continues participating** in the beginning teacher internship program. ~~for a second year as provided under IC 20-6.1-8-13 (repealed).~~ The ~~appeals~~ provisions of

C
o
p
y



1 ~~IC 20-6-1-8-14~~ (repeated) apply to an assessment under this
2 subdivision.

3 SECTION 83. IC 20-28-4-7, AS ADDED BY HEA 1288-2005,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2005]: Sec. 7. This section applies to a program participant
6 who has a degree described in section 5 of this chapter that does not
7 include all the content areas of a standard license issued by the ~~board~~
8 **department**. The ~~board~~ **department** shall issue an initial standard
9 license that is restricted to only the content areas in which the program
10 participant has a degree unless the program participant demonstrates
11 sufficient knowledge in other content areas of the license.

12 SECTION 84. IC 20-28-4-10, AS ADDED BY HEA 1288-2005,
13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2005]: Sec. 10. (a) The **advisory** board may adopt rules under
15 IC 4-22-2 to administer this chapter.

16 (b) Rules adopted under this section must include a requirement that
17 accredited teacher ~~training~~ **education** schools and departments in
18 Indiana submit an annual report to the ~~board~~ **department** of the
19 number of individuals who:

- 20 (1) enroll in; and
21 (2) complete;
22 the program.

23 SECTION 85. IC 20-28-5-1, AS ADDED BY HEA 1288-2005,
24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2005]: Sec. 1. The ~~board~~ **department** is responsible for the
26 licensing of teachers.

27 SECTION 86. IC 20-28-5-2, AS ADDED BY HEA 1288-2005,
28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2005]: Sec. 2. The **advisory** board may adopt rules for:

- 30 (1) the issuance of a substitute teacher's license; and
31 (2) the employment of substitute teacher licensees.

32 An individual may not serve as a substitute teacher without a license
33 issued by the ~~board~~ **department**.

34 SECTION 87. IC 20-28-5-3, AS ADDED BY HEA 1288-2005,
35 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2005]: Sec. 3. (a) The ~~board~~ **department** shall designate:

- 37 (1) the grade point average required for each type of license; and
38 (2) the types of licenses to which the teachers' minimum salary
39 laws apply, including nonrenewable one (1) year limited licenses.

40 (b) The ~~board~~ **department** shall determine details of licensing not
41 provided in this chapter, including requirements regarding the
42 following:

C
o
p
y



- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher ~~training~~ **education** schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher ~~training~~ **education** institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The ~~board~~ **department** shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The ~~board~~ **department** shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 88. IC 20-28-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:**

(1) Has successfully completed a course approved by the board in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
- (B) removing a foreign body causing an obstruction in an airway; and**
- (C) the Heimlich maneuver.**

(2) Holds a valid certification in the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;**
- (B) the American Heart Association; or**

C
o
p
y



(C) a comparable organization or institution approved by the board.

(3) Has physical limitations that make it impracticable for the applicant to complete the course and certification required under subdivisions (1) and (2).

SECTION 89. IC 20-28-5-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. On the written recommendation of the state superintendent, the ~~board~~ **department** may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation, the ~~board~~ **department** shall comply with IC 4-21.5-3.

SECTION 90. IC 20-28-5-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The ~~board~~ **department**, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the ~~board~~ **department** to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen

C
o
p
y



(18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

(13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 91. IC 20-28-5-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the **board department** the limited criminal history for the applicant.

(4) Submit to the **board department** a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(b) The **board department** may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

C
o
p
y



(c) The ~~board~~ **department** must use the information obtained under this section in accordance with IC 10-13-3-29.

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 92. IC 20-28-5-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The ~~board~~ **department** shall keep a record of:

- (1) all licenses issued;
- (2) all licenses in force; and
- (3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:

- (1) The type of license held by the teacher.
- (2) The teacher's date of first employment.
- (3) The teacher's annual or monthly salary.

SECTION 93. IC 20-28-5-11, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply to an individual who, on September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

(b) The ~~board~~ **department** may not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. The semester hours may include graduate hours or undergraduate hours, or both, as determined by the board.

(c) The **advisory** board may:

- (1) adopt rules under IC 4-22-2 to create exceptions to the requirements under subsection (b); and
- (2) waive the requirements under subsection (b) on an individual basis.

SECTION 94. IC 20-28-5-12, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.

C
o
p
y



(b) The ~~board~~ **department** may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ **department**:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:
 - (A) phonemic awareness; and
 - (B) phonics instruction.

(c) Each individual who completes a written examination described in subsection (b) must receive the following from the examination's scorer:

- (1) The individual's total test score.
- (2) Subscores for each area tested.
- (3) Itemized descriptions of the areas in which the individual was found to be deficient.

(d) This subsection applies to an individual who has attempted the written examination described in subsection (b) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination.

~~(c)~~ (e) An individual's license examination score may not be disclosed by the ~~board~~ **department** without the individual's consent unless specifically required by state or federal statute or court order.

~~(d)~~ (f) The **advisory** board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

~~(e)~~ (g) The board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived

C
o
p
y



for ~~individuals~~ **an individual** holding a valid ~~teachers' licenses~~ **teacher's license** issued by another state.

SECTION 95. IC 20-28-5-14, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. If the ~~board~~ **department** is notified by the department of state revenue that an individual is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the individual until:

(1) the individual provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or

(2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 96. IC 20-28-9-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A teacher's minimum salary each school year must be computed based on the teacher's ~~training, education,~~ experience, and degree completed as of the teacher's first day of service.

(b) If a teacher is licensed by the ~~board~~ **department** on:

(1) the first day of service in the current school year; or

(2) another date as agreed by the school employer and the exclusive representative under IC 20-29;

the teacher's minimum salary is computed under section 2 of this chapter.

SECTION 97. IC 20-28-9-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A teacher's minimum salary for service during a nine (9) month school term is computed as follows:

(1) For a teacher who has completed four (4) years or one hundred forty-four (144) weeks of professional ~~training, education,~~ five thousand two hundred dollars (\$5,200), plus:

(A) an additional increment of one hundred fifty dollars (\$150) after each of the first ten (10) years of experience; and

(B) an additional increment of two hundred fifty dollars (\$250) after each of the following years of experience:

(i) The fifteenth.

(ii) The twentieth.

(2) For a teacher who has completed five (5) years or one hundred eighty (180) weeks of professional ~~training, education,~~ five thousand five hundred dollars (\$5,500), plus:

C
o
p
y



(A) an additional increment of one hundred fifty dollars (\$150)

after each of the first eighteen (18) years of experience; and

(B) an additional increment of three hundred dollars (\$300)

after each of the following years of experience:

(i) The nineteenth.

(ii) The twentieth.

(iii) The twenty-second.

(iv) The twenty-fourth.

(v) The twenty-sixth.

(vi) The thirtieth.

(3) For a teacher who has completed less than four (4) years of professional ~~training~~, **education**, four thousand seven hundred dollars (\$4,700), plus an additional increment of one hundred twenty dollars (\$120) after each of the first ten (10) years of experience.

SECTION 98. IC 20-28-9-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~board~~ **department** shall require each teacher to hold:

(1) a bachelor's degree from an accredited teacher ~~training~~ **education** institution to qualify for the first time for classification under section 2(1) of this chapter; and

(2) a master's degree to qualify for the first time for classification under section 2(2) of this chapter.

(b) A teacher may not receive credit for five (5) years of ~~training~~ **education** under section 2(2) of this chapter unless the teacher has completed at least a bachelor's degree.

SECTION 99. IC 20-28-9-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An individual who:

(1) holds:

(A) a professional license;

(B) a provisional license;

(C) a limited license; or

(D) an equivalent license issued by the ~~board~~, **department**;

and

(2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

(A) professional license; or

C
O
P
Y



- 1 (B) provisional license; and
 2 (2) serves as a substitute teacher in the same teaching position for
 3 more than fifteen (15) consecutive school days;
 4 shall be compensated on the regular pay schedule for teachers of the
 5 school corporation the individual serves.

6 SECTION 100. IC 20-28-12-3, AS ADDED BY HEA 1288-2005,
 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2005]: Sec. 3. An individual who applies for an endorsement
 9 as an independent practice school psychologist must meet the following
 10 requirements:

- 11 (1) Be licensed as a school psychologist by the ~~board~~
 12 **department**.
 13 (2) Be employed by a:
 14 (A) developmental center;
 15 (B) state hospital;
 16 (C) public or private hospital;
 17 (D) mental health center;
 18 (E) rehabilitation center;
 19 (F) private school; or
 20 (G) public school;
 21 at least thirty (30) hours per week during the contract period
 22 unless the individual is retired from full-time or part-time
 23 employment as a school psychologist or the individual has a
 24 medical condition or physical disability that restricts the mobility
 25 required for employment in a school setting.
 26 (3) Furnish satisfactory evidence to the ~~board~~ **department** that
 27 the applicant has received at least a sixty (60) semester hour
 28 master's or specialist degree in school psychology from:
 29 (A) a recognized institution of higher learning; or
 30 (B) an educational institution not located in the United States
 31 that has a program of study that meets the standards of the
 32 ~~board~~ **department**.
 33 (4) Furnish satisfactory evidence to the ~~board~~ **department** that
 34 the applicant has demonstrated graduate level competency
 35 through the successful completion of course work and a practicum
 36 in the areas of assessment and counseling.
 37 (5) Furnish satisfactory evidence to the ~~board~~ **department** that
 38 the applicant has at least one thousand two hundred (1,200) hours
 39 of school psychology experience beyond the master's degree level.
 40 At least six hundred (600) hours must be in a school setting under
 41 the supervision of any of the following:
 42 (A) A physician licensed under IC 25-22.5.

C
o
p
y



- 1 (B) A psychologist licensed under IC 25-33.
- 2 (C) A school psychologist endorsed under this chapter.
- 3 (6) Furnish satisfactory evidence to the **board department** that
- 4 the applicant has completed, in addition to the requirements in
- 5 subdivision (5), at least four hundred (400) hours of supervised
- 6 experience in identification and referral of mental and behavioral
- 7 disorders, including at least one (1) hour each week of direct
- 8 personal supervision by a:
- 9 (A) physician licensed under IC 25-22.5;
- 10 (B) psychologist licensed under IC 25-33; or
- 11 (C) school psychologist endorsed under this chapter;
- 12 with at least ten (10) hours of direct personal supervision.
- 13 (7) Furnish satisfactory evidence to the **board department** that
- 14 the applicant has completed, in addition to the requirements of
- 15 subdivisions (5) and (6), fifty-two (52) hours of supervision with
- 16 a physician licensed under IC 25-22.5, a psychologist licensed
- 17 under IC 25-33, or a school psychologist endorsed under this
- 18 chapter that meets the following requirements:
- 19 (A) The fifty-two (52) hours must be completed within at least
- 20 twenty-four (24) consecutive months but not less than twelve
- 21 (12) months.
- 22 (B) Not more than one (1) hour of supervision may be
- 23 included in the total for each week.
- 24 (C) At least nine hundred (900) hours of direct client contact
- 25 must take place during the total period under clause (A).
- 26 (8) Furnish satisfactory evidence to the **board department** that
- 27 the applicant does not have a conviction for a crime that has a
- 28 direct bearing on the applicant's ability to practice competently.
- 29 (9) Furnish satisfactory evidence to the **board department** that
- 30 the applicant has not been the subject of a disciplinary action by
- 31 a licensing or certification agency of any jurisdiction on the
- 32 grounds that the applicant was not able to practice as a school
- 33 psychologist without endangering the public.
- 34 (10) Pass the examination provided by the **board department**.
- 35 SECTION 101. IC 20-30-5-6, AS ADDED BY HEA 1288-2005,
- 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2005]: Sec. 6. (a) This section applies only to public schools.
- 38 (b) As used in this section, "good citizenship instruction" means
- 39 integrating instruction into the current curriculum that stresses the
- 40 nature and importance of the following:
- 41 (1) Being honest and truthful.
- 42 (2) Respecting authority.



- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall:

- (1) identify; and
- (2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher **training education** program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

SECTION 102. IC 20-30-5-14, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are; designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in

C
o
p
y



1 complying with this section.

2 (d) The models described in this subsection must be developed in
3 accordance with the following:

4 (1) For grades 1 through 5, career awareness models to introduce
5 students to work values and basic employment concepts.

6 (2) For grades 6 through 8, initial career information models that
7 focus on career choices as they relate to student interest and skills.

8 (3) For grades 9 through 10, career exploration models that offer
9 students insight into future employment options.

10 (4) For grades 11 through 12, career preparation models that
11 provide job or further education counseling, including the
12 following:

13 (A) Initial job counseling, including the use of job service
14 officers to provide school based assessment, information, and
15 guidance on employment options and the rights of students as
16 employees.

17 (B) Workplace orientation visits.

18 (C) On-the-job experience exercises.

19 (e) The department, with assistance from the department of labor
20 and the department of workforce development, shall:

21 (1) develop and make available teacher guides; and

22 (2) conduct seminars or other teacher **training education**
23 activities;

24 to assist teachers in providing the instruction described in this section.

25 (f) The department shall, with assistance from the department of
26 workforce development, design and implement innovative career
27 preparation demonstration projects for students in at least grade 9.

28 SECTION 103. IC 20-30-7-8, AS ADDED BY HEA 1288-2005,
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2005]: Sec. 8. Except as provided in section 9 of this chapter,
31 an instructor for an educational program described in section 7 of this
32 chapter must be:

33 (1) licensed under IC 20-28; or

34 (2) granted a substitute teacher's license by the ~~professional~~
35 ~~standards board~~ **department**.

36 SECTION 104. IC 20-30-7-9, AS ADDED BY HEA 1288-2005,
37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2005]: Sec. 9. If the superintendent of the school corporation
39 that is the local education agency determines that:

40 (1) a qualified licensed teacher is not available from the entities
41 entering into an agreement under section 5 of this chapter; and

42 (2) a qualified postsecondary instructor is available;

C
o
p
y



to instruct in an educational program described in section 7 of this chapter, the superintendent may request the ~~professional standards board~~ **department** to issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 105. IC 20-30-7-10, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. If the ~~professional standards board~~ **department** finds that a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter to instruct in an educational program described in section 7 of this chapter, the ~~professional standards board~~ **department** may issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 106. IC 20-31-6-1, AS ADDED BY HEA 1288-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The department ~~in consultation with the professional standards board~~, shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

SECTION 107. IC 20-32-5-1, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of Indiana students to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
 - (A) The overall academic progress of students.
 - (B) The need for new or revised educational programs.
 - (C) The need to terminate existing educational programs.
 - (D) Student readiness for postsecondary school experiences.
 - (E) Overall curriculum development and revision activities.
 - (F) Identifying students who may need remediation under IC 20-32-8.
 - (G) Diagnosing individual student needs.



C
o
p
y

1 (H) Teacher ~~training~~ **education** and staff development
2 activities.

3 SECTION 108. IC 20-32-5-4, AS ADDED BY HEA 1288-2005,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2005]: Sec. 4. (a) The state board shall:

6 (1) authorize the development and implementation of the ISTEP
7 program; and

8 (2) determine the date, **which for school years beginning after**
9 **June 30, 2006, must be during the first two (2) weeks that end**
10 **in May of the school year**, on which the statewide testing is
11 administered in each school corporation.

12 (b) The state superintendent is responsible for the overall
13 development, implementation, and monitoring of the ISTEP program.

14 (c) The department shall prepare detailed design specifications for
15 the ISTEP program that must do the following:

16 (1) Take into account the academic standards adopted under
17 IC 20-31-3.

18 (2) Include testing of students' higher level cognitive thinking in
19 each subject area tested.

20 (3) **Provide for a pilot test for reliability and validation to be**
21 **given during the first two (2) weeks that end in May 2006, and**
22 **for the following schedule concerning the administration,**
23 **scoring, and reporting of results, for school years beginning**
24 **after June 30, 2006:**

25 (A) **Test administration conducted during the first two (2)**
26 **weeks that end in May.**

27 (B) **Test scoring completed before June 16.**

28 (C) **Test results reported to teachers and parents before**
29 **July 1.**

30 (D) **Yearly progress reported to parents and the federal**
31 **government before July 16.**

32 SECTION 109. IC 20-32-5-4.5 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) Before August 2, 2005,**
35 **the department shall develop a ten (10) year plan for student**
36 **diagnostic and summative achievement assessment that must**
37 **include a system that:**

38 (1) **has as its purposes to:**

39 (A) **provide teachers with diagnostic assessment tools**
40 **during the school year to determine whether each student**
41 **is learning below, at, or above the academic standards for**
42 **that grade and subject so that the teacher may direct**

C
o
p
y



instruction accordingly;

(B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.

(2) uses:

(A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;

(B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;

(C) on-line end of course assessments in grades 9 through 12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;

(D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and
(E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;

C
o
p
y



(3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

(A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;

(B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;

(C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and

(D) provides for a common method and means by which teachers shall grade the independent written essay.

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated

**C
o
p
y**



by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section.

SECTION 110. IC 20-33-2-6, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until ~~the date on which the~~ student **meets one (1) of the following conditions, whichever occurs first:**

- (1) Graduates.
- (2) Becomes eighteen (18) years of age. ~~or~~
- (3) Becomes sixteen (16) years of age but is less than eighteen (18) years of age and **meets** the requirements under ~~section 9~~ **section 9.5 or 12.5** of this chapter, ~~concerning an exit interview~~ **are met** enabling the student to withdraw from school before graduation.

~~whichever occurs first:~~

(b) A student who:

- (1) enrolls in school before the fall school term for the school year in which the student becomes seven (7) years of age; and
- (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the student is reenrolled as required in subsection (a). This chapter shall not be construed to require that a student complete grade 1 before the student becomes eight (8) years of age.

SECTION 111. IC 20-33-2-9, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. ~~(a)~~ The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory~~

C
o
p
y



school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent, and the principal agree to the withdrawal; and

(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school.

SECTION 112. IC 20-33-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a public or nonpublic accredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation;

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester; and

(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

(1) An exit interview is conducted.

(2) The individual's parent consents to the withdrawal.

(3) The school principal approves of the withdrawal.

(4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.

(5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.

(6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

C
o
p
y



(7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

(1) An individual's request to withdraw from school.

(2) A parent's consent to a withdrawal.

(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record

C
O
P
Y



under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or subsection (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 113. IC 20-33-2-11, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, **who must be defined at a minimum as a child who is chronically absent with more than ten (10) unexcused absences from school during one (1) school year;**

(2) the procedures under which subsection (a) will be administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the

C
o
p
y



procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 114. IC 20-33-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5 (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 115. IC 20-33-2-41, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 41. With the exception of ex officio attendance

**C
o
p
y**



1 officers, an individual may not hold the position of attendance officer
 2 unless the individual has complied with all standards of the
 3 ~~professional standards board~~ **department** and has been properly
 4 licensed by ~~that body~~ **the department**.

5 SECTION 116. IC 20-33-3-13, AS ADDED BY HEA 1288-2005,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2005]: Sec. 13. (a) **Except as provided in subsection (b),**
 8 upon presentation to the issuing officer of the documents required by
 9 section 10 of this chapter, an employment certificate shall be issued
 10 immediately to the child. ~~However, an issuing officer may deny a~~
 11 ~~certificate to a child:~~

12 (1) ~~whose attendance is not in good standing; or~~

13 (2) ~~whose academic performance does not meet the school~~
 14 ~~corporation's standard.~~

15 **(b) An employment certificate may not be issued to a student**
 16 **who meets any of the following conditions:**

17 **(1) Is a habitual truant under IC 20-33-2-11.**

18 **(2) Is under at least a second suspension from school for the**
 19 **school year under IC 20-33-8-14 or IC 20-33-8-15.**

20 **(3) Is under an expulsion from school under IC 20-33-8-14,**
 21 **IC 20-33-8-15, or IC 20-33-8-16.**

22 **(4) Is considered a dropout under IC 20-33-2-9.5.**

23 **(5) Does not meet the academic performance standards of the**
 24 **school corporation.**

25 ~~(b)~~ **(c)** Not more than five (5) days after issuing an employment
 26 certificate, the issuing officer shall send a copy of the employment
 27 certificate to the department of labor. The issuing officer shall keep a
 28 record in the issuing officer's office of each employment certificate
 29 issued.

30 ~~(c)~~ **(d)** A student may appeal the denial of a certificate under
 31 subsection (a) to the principal.

32 **(e) At least five (5) days before holding an exit interview under**
 33 **IC 20-33-2-9.5, the school corporation shall give notice by certified**
 34 **mail or personal delivery to the student or the student's parent of**
 35 **the following:**

36 **(1) That the exit interview will include a hearing to determine**
 37 **if the reason for the student's withdrawal is financial**
 38 **hardship.**

39 **(2) If the principal determines that the reason for the**
 40 **student's withdrawal is not financial hardship:**

41 **(A) the student and the student's parent will receive a copy**
 42 **of the determination; and**

C
O
P
Y



(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section.

SECTION 117. IC 21-6.1-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) This subsection applies to members who retire before July 1, 1980. A member who had completed four (4) years of approved college teacher ~~training~~ **education** before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if for or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter.

(b) This subsection applies to members who retire after June 30, 1980. A member who had completed four (4) years of approved college teacher ~~training~~ **education** before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if:

- (1) the member has an honorable discharge; and
- (2) except as provided in subsection (f), the member returns to active teaching service within eighteen (18) months after the completion of active military service.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection. In order to be eligible for any military service credit under this subsection, a member must have at least ten (10) years of in-state service credit.

(c) This subsection applies to members who retire after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher ~~training~~ **education** before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active

C
o
p
y



1 military service if the following conditions are met:

2 (1) The member has an honorable discharge.

3 (2) Except as provided in subsection (f), the member returns to a
4 four (4) year approved college teacher training program within
5 eighteen (18) months after the completion of active military
6 service and subsequently completes that program.

7 (3) The member has at least ten (10) years of in-state service
8 credit.

9 (d) This subsection applies to members who retire after May 1,
10 1991, and who are employed at state institutions of higher education.
11 A member who had begun but had not completed baccalaureate or
12 post-baccalaureate ~~training~~ **education** before voluntary or involuntary
13 induction into military service is entitled to the member's active
14 military service credit for the member's active military service in an
15 amount equal to the duration of the member's military service if the
16 following conditions are met:

17 (1) The member received an honorable discharge.

18 (2) Except as provided in subsection (f), the member returns to
19 baccalaureate or post-baccalaureate ~~training~~ **education** within
20 eighteen (18) months after completion of active military service
21 and subsequently completes that ~~training~~ **education**.

22 (3) The member has at least ten (10) years of in-state service
23 credit.

24 (e) The maximum amount of service credit that may be granted to
25 a member who meets the conditions of subsection (c), or (d) is six (6)
26 years. However, for purposes of subsection (c), or (d), the time served
27 by the member in active military service for the length of active service
28 in hostilities and necessary demobilization is not subject to the
29 one-seventh rule specified in section 5 of this chapter.

30 (f) The board shall extend the eighteen (18) month deadline
31 contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines
32 that an illness, an injury, or a disability related to the member's military
33 service prevented the member from returning to active teaching service
34 or to a teacher ~~training~~ **education** program within eighteen (18) months
35 after the member's discharge from military service. However, the board
36 may not extend the deadline beyond thirty (30) months after the
37 member's discharge.

38 (g) If a member retires, and the board subsequently determines that
39 the member is entitled to additional service credit due to the extension
40 of a deadline under subsection (f), the board shall recompute the
41 member's benefit. However, the additional service credit may be used
42 only in the computation of benefits to be paid after the date of the

C
o
p
y



board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(h) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(i) Subject to the provisions of this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

(1) The member has at least one (1) year of credited service in the fund.

(2) The member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The member's salary at the time the member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements

C
o
p
y



necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(j) The following apply to the purchase of service credit under subsection (i):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 118. IC 25-1-1.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the ~~professional standards board~~ **department of education** as established by ~~IC 20-1-1-4~~ **IC 20-19-3-1**.

SECTION 119. IC 25-33-1-3, AS AMENDED BY HEA 1288-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's

C
o
p
y



1 duties, as provided in the state travel policies and procedures
 2 established by the **Indiana** department of administration and approved
 3 by the state budget agency.

4 (b) The members of the board shall organize by the election of a
 5 chairman and a vice chairman from among its membership. Such
 6 officers shall serve for a term of one (1) year. The board shall meet at
 7 least once in each calendar year and on such other occasions as it
 8 considers necessary and advisable. A meeting of the board may be
 9 called by its chairman or by a majority of the members on the board.
 10 Four (4) members of the board constitute a quorum. A majority of the
 11 quorum may transact business.

12 (c) The board is empowered to do the following:

13 (1) Establish reasonable application, examination, and renewal
 14 procedures and set fees for licensure under this article. However,
 15 no fee collected under this article shall, under any circumstances,
 16 be refunded.

17 (2) Adopt and enforce rules concerning assessment of costs in
 18 disciplinary proceedings before the board.

19 (3) Establish examinations of applicants for licensure under this
 20 article and issue, deny, suspend, revoke, and renew licenses.

21 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
 22 complaint against individuals licensed or not licensed under this
 23 article, concerning alleged violation of this article, under
 24 procedures conducted in accordance with IC 4-21.5.

25 (5) Initiate the prosecution and enjoinder of any person violating
 26 this article.

27 (6) Adopt rules which are necessary for the proper performance
 28 of its duties, in accordance with IC 4-22-2.

29 (7) Establish a code of professional conduct.

30 (d) The board shall adopt rules establishing standards for the
 31 competent practice of psychology.

32 (e) All expenses incurred in the administration of this article shall
 33 be paid from the general fund upon appropriation being made in the
 34 manner provided by law for the making of such appropriations.

35 (f) The bureau shall do the following:

36 (1) Carry out the administrative functions of the board.

37 (2) Provide necessary personnel to carry out the duties of this
 38 article.

39 (3) Receive and account for all fees required under this article.

40 (4) Deposit fees collected with the treasurer of the state for
 41 deposit in the state general fund.

42 (g) The board shall adopt rules under IC 4-22-2 to establish,

C
o
p
y



maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:
 - (A) license issued by the ~~professional standards board~~ **department of education** under IC 20-28-2; or
 - (B) endorsement under IC 20-28-12;
- practicing within the scope of the school psychologist's license or endorsement; or
- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

- (1) the social work certification and marriage and family therapists credentialing board; and
- (2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

- (1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and
- (2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of

C
o
p
y



restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 120. IC 25-33-1-14, AS AMENDED BY HEA 1288-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to an individual who is:

- (1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
- (2) a commissioned psychology officer in the regular United States armed services;
- (3) licensed by the ~~professional standards board~~ **department of education** (established by ~~IC 20-28-2-1~~ **IC 20-19-3-1**) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
- (4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist" or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is

C
o
p
y



exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

(3) a qualified physician licensed under IC 25-22.5;

(4) a school psychologist who holds a valid:

(A) license issued by the ~~professional standards board~~ **department of education** under IC 20-28-2; or

(B) endorsement under IC 20-28-12;

who practices within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under ~~IC 25-33-1-3(g)~~ **section 3(g) of this chapter** in the course of rendering psychological services to individuals, organizations, or to the public.

(f) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 121. IC 34-30-14-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. A teacher who:**

(1) **meets the requirement of IC 20-28-5-3.5; and**

(2) **either:**

(A) **performs:**

(i) **cardiopulmonary resuscitation; or**

(ii) **the Heimlich maneuver;**

on; or

(B) **removes a foreign body that is obstructing the airway of:**

another individual;

in the course of employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring during the performance of a function under this section unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 122. THE FOLLOWING ARE REPEALED



C
o
p
y

[EFFECTIVE JULY 1, 2005]: IC 20-6.1-3-1.5; IC 20-6.1-3-6;
 IC 20-8.1-4-3; IC 20-10.1-16-9.1; IC 20-10.1-16-10; IC 20-10.1-16-12;
 IC 20-10.2-2-9.5; IC 20-28-1-4; IC 20-28-5-6; IC 20-32-5-18;
 IC 20-32-5-20; IC 20-32-5-22.

SECTION 123. [EFFECTIVE JULY 1, 2005] (a) The professional standards board established by IC 20-28-2-1 is abolished.

(b) The following are transferred on July 1, 2005, from the professional standards board to the department of education established by IC 20-19-3-1:

(1) All real and personal property of the professional standards board.

(2) All powers, duties, assets, and liabilities of the professional standards board.

(3) All appropriations to the professional standards board.

(c) Money in the professional standards board licensing fund established by P.L.224-2003, SECTION 9, is transferred on July 1, 2005, to the professional standards fund established by IC 20-28-2-10, as added by this act.

(d) Rules that were adopted by the professional standards board before July 1, 2005, shall be treated as though the rules were adopted by the advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.

(e) After June 30, 2005, a reference to the professional standards board in a statute or rule shall be treated as a reference to the division of professional standards established by IC 20-28-2-1.5, as added by this act.

(f) The members appointed before July 1, 2005, to the professional standards board:

(1) become members of the advisory board for the division of professional standards established by IC 20-28-2-2, as amended by this act; and

(2) may serve until the expiration of the term for which the members were appointed.

(g) A license or permit issued by the professional standards board before July 1, 2005, shall be treated after June 30, 2005, as a license or permit issued by the department of education established by 20-19-3-1.

(h) Proceedings pending before the professional standards board on July 1, 2005, shall be transferred from the professional standards board to the department of education and treated as if initiated by the department of education established by

C
o
p
y



1 **IC 20-19-3-1.**

2 **SECTION 124. [EFFECTIVE UPON PASSAGE] (a)**
 3 **Notwithstanding IC 20-28-5-3.5, as added by this act, a college or**
 4 **university located in Indiana may recommend to an individual who**
 5 **has been accepted in a teacher training program before July 1,**
 6 **2005, that the individual should meet the requirements of**
 7 **IC 20-28-5-3.5, as added by this act.**

8 **(b) This SECTION expires June 30, 2007.**

9 **SECTION 125. [EFFECTIVE UPON PASSAGE] (a) The**
 10 **department of education shall develop a form for the written**
 11 **consent to withdraw from school for a school corporation's use in**
 12 **implementing IC 20-33-2-11.5 as added by this act.**

13 **(b) The department of education shall compile and make**
 14 **available to schools statistics concerning the likely consequences of**
 15 **life without a high school diploma. The statistics must include, but**
 16 **are not limited to, statistics that show the likelihood of an**
 17 **individual's:**

18 **(1) unemployment or a lower paying job; and**

19 **(2) involvement in criminal activity;**

20 **as the consequence of not obtaining a high school diploma.**

21 **(c) The department of education shall update the statistics**
 22 **described in subsection (b) every two (2) years.**

23 **(d) This SECTION expires December 31, 2005.**

24 **SECTION 126. [EFFECTIVE JULY 1, 2005]: (a) If a statute is**
 25 **passed that requires, beginning with the 2010-2011 school year and**
 26 **with certain exceptions, a student to complete the Core 40**
 27 **curriculum in order to graduate from high school, the department**
 28 **of education shall study and make findings and recommendations**
 29 **on alternate methods for certification including certification in**
 30 **nontraditional ways for teacher licensing for teachers currently**
 31 **employed by a public school to fulfill available positions in**
 32 **shortage areas including mathematics and science and any other**
 33 **subject area designated as a shortage area by the Indiana state**
 34 **board of education.**

35 **(b) In conducting the study and making a determination under**
 36 **this SECTION, the department shall but is not limited to consider**
 37 **the following factors:**

38 **(1) the experience of the teacher; and**

39 **(2) the subject areas the teacher is currently licensed in.**

40 **(c) The department shall use any additional certification**
 41 **obtained by a teacher for license renewal.**

42 **(d) The department shall submit a report of its findings and**

C
O
P
Y



1 recommendations under this SECTION not later than December
 2 31, 2005, to the legislative council in an electronic format under
 3 IC 5-14-6.
 4 (d) The report must include:
 5 (1) the results of the study; and
 6 (2) recommendations to the legislative council concerning
 7 alternative teacher licensing methods.
 8 (e) This SECTION expires December 31, 2005.
 9 SECTION 127. An emergency is declared for this act.

**C
o
p
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 371, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 3, line 23, strike "academic training" and insert "**education**".

Page 6, line 17, after "The" insert "**advisory board of the division of**".

Page 6, line 17, reset in roman "professional".

Page 6, line 18, reset in roman "standards".

Page 6, line 18, delete "Indiana state".

Page 6, line 18, strike "board" and insert "**of the department**".

Page 6, line 18, reset in roman "IC 20-1-1.4".

Page 6, line 19, delete "IC 20-1-1-1".

Page 6, line 25, after "the" insert "**advisory board of the division of**".

Page 6, line 25, reset in roman "professional standards".

Page 6, line 25, delete "Indiana".

Page 6, line 26, delete "state".

Page 6, line 26, strike "board".

Page 6, line 26, after "board" insert "**of the department**".

Page 6, line 26, reset in roman "IC 20-1-1.4".

Page 6, line 26, delete "IC 20-1-1-1".

Page 6, line 27, after "the" insert "**advisory board of the division of**".

Page 6, line 27, reset in roman "professional standards".

Page 6, line 28, after "board" insert "**of the**".

Page 6, line 28, delete "IC 20-1-1.1-2" and insert "**IC 20-1-1.4**".

Page 6, line 31, strike "training" and insert "**education**".

Page 6, line 32, strike "training" and insert "**education**".

Page 14, line 6, delete "The" and insert "**Except as provided in section 7 of this chapter, the**".

Page 14, line 11, strike "training" and insert "**education**".

Page 14, line 23, delete "training," and insert "**education,**".

Page 15, line 5, strike "training" and insert "**education**".

Page 15, line 9, strike "training" and insert "**education**".

Page 16, line 36, delete "In" and insert "**Subject to subsection (c)**".

C
o
p
y



and in".

Page 16, line 37, after "the" insert "**advisory**".

Page 16, line 37, reset in roman "board".

Page 16, line 37, delete "department".

Page 17, line 12, strike "training" and insert "**education**".

Page 17, between lines 19 and 20, begin a new paragraph and insert:

"(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the superintendent for approval. If the superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule."

Page 18, line 12, delete "Money in the fund is continuously appropriated for use".

Page 18, delete lines 13 through 14.

Page 20, line 14, delete "," and insert ".".

Page 20, line 15, reset in roman "(3) A rule or guideline adopted by the".

Page 20, line 15, after "the" insert "**advisory board of the division of**".

Page 20, line 15, reset in roman "professional standards".

Page 20, line 16, after "board" insert "**of the department of education**".

Page 20, line 16, reset in roman "(established by)".

Page 20, line 16, after "IC 20-1-1.4-2)," insert "**IC 20-1-1.4-3)**".

Page 20, line 19, reset in roman "(4)".

Page 20, line 19, delete "(3)".

Page 20, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 20-6.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. As used in this article, "advisory board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-1-1.4-3."

Page 20, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 26. IC 20-6.1-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Definition;~~ "Teacher". As used in this article, the term "teacher" means a professional person whose position in the school corporation requires certain ~~teacher training preparations~~ **educational preparation and licensing. The term includes, but is not limited to, any superintendent,**

C
o
p
y



supervisor, principal, attendance officer, teacher, or librarian."

Page 20, line 32, after "1." insert **"(a)"**.

Page 20, line 35, strike "training;" and insert **"education;"**.

Page 20, line 36, strike "training" and insert **"education"**.

Page 20, line 39, strike "training" and insert **"education"**.

Page 20, after line 42, begin a new paragraph and insert:

"(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest professional standards."

Page 21, line 9, after "standards" insert **"advisory"**.

Page 21, line 9, reset in roman "board's".

Page 21, line 10, delete "department's".

Page 21, line 15, after "The" insert **"advisory"**.

Page 21, line 15, reset in roman "board".

Page 21, line 16, delete "department".

Page 21, line 31, strike "training" and insert **"education"**.

Page 21, line 34, strike "training" and insert **"education"**.

Page 24, line 37, after "The" insert **"advisory"**.

Page 24, line 37, reset in roman "board".

Page 24, line 37, delete "department".

Page 25, line 19, after "The" insert **"advisory"**.

Page 25, line 19, reset in roman "board".

Page 25, line 19, delete "department".

Page 25, line 25, after "The" insert **"advisory"**.

Page 25, line 25, reset in roman "board".

Page 25, line 25, delete "department".

Page 26, line 14, strike "training" and insert **"education"**.

Page 28, line 19, after "The" insert **"advisory"**.

Page 28, line 19, reset in roman "board".

Page 28, line 19, delete "department".

Page 28, line 21, strike "training" and insert **"education"**.

Page 28, line 30, strike "training," and insert **"education,"**.

Page 28, line 38, strike "training," and insert **"education,"**.

Page 29, line 3, strike "training," and insert **"education,"**.

Page 29, line 17, strike "training," and insert **"education,"**.

Page 29, line 28, strike "training" and insert **"education"**.

Page 29, line 33, strike "training" and insert **"education"**.

Page 31, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 43. IC 20-10.1-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) Notwithstanding IC 20-10.1-1-0.5, this section applies only to public

**C
o
p
y**



schools (as defined in IC 20-10.1-1-2).

(b) As used in this section, "good citizenship instruction" means integrating into the current curriculum instruction that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing one's personal best.
- (5) Not stealing.
- (6) Possessing the skills necessary to live peaceably in society and not resorting to violence to settle disputes, including methods of conflict resolution.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way one would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting one's parents and home.
- (12) Respecting one's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall identify and make available to school corporations models of conflict resolution instruction, which may consist of a program of teacher ~~training~~ **education** with application of the techniques to the children in the classroom, to assist school corporations in complying with this section.

SECTION 44. IC 20-10.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

~~and beginning with the 1994-95 school year,~~ each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are;

C
o
p
y



designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models shall be developed in accordance with the following:

- (1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.
- (2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.
- (3) For grades 9 through 10, career exploration models that offer students insight into future employment options.
- (4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the utilization of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

- (1) develop and make available teacher guides; and
- (2) conduct seminars or other teacher ~~training~~ **education** activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9."

Page 32, line 19, reset in roman "board".

Page 32, line 19, delete "department".

Page 32, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 46. IC 20-10.1-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of students in Indiana to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision

C
o
p
y



makers with regard to educational matters, including the following:

- (A) The overall academic progress of students.
- (B) The need for new or revised educational programs.
- (C) The need to terminate existing educational programs.
- (D) Student readiness for postsecondary school experiences.
- (E) Overall curriculum development and revision activities.
- (F) Identifying students who may need remediation under IC 20-10.1-17.
- (G) Diagnosing individual student needs.
- (H) Teacher ~~training~~ **education** and staff development activities.

(b) To carry out the purposes described in subsection (a), each English/language arts and mathematics test developed for use under ISTEP must include the following:

- (1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.
- (2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.
- (3) A method of testing and grading that will allow comparison with national and international academic standards."

Page 32, line 24, strike "training" and insert "**education**".

Page 32, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 49. IC 21-6.1-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) This subsection applies to members who retire before July 1, 1980. A member who had completed four (4) years of approved college teacher ~~training~~ **education** before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if for or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter.

(b) This subsection applies to members who retire after June 30, 1980. A member who had completed four (4) years of approved college teacher ~~training~~ **education** before voluntary or involuntary induction into military service is entitled to credit for the member's active

C
o
p
y



military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if:

- (1) the member has an honorable discharge; and
- (2) except as provided in subsection (f), the member returns to active teaching service within eighteen (18) months after the completion of active military service.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule specified in section 5 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection. In order to be eligible for any military service credit under this subsection, a member must have at least ten (10) years of in-state service credit.

(c) This subsection applies to members who retire after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher **training education** before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (f), the member returns to a four (4) year approved college teacher training program within eighteen (18) months after the completion of active military service and subsequently completes that program.
- (3) The member has at least ten (10) years of in-state service credit.

(d) This subsection applies to members who retire after May 1, 1991, and who are employed at state institutions of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate **training education** before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

- (1) The member received an honorable discharge.
- (2) Except as provided in subsection (f), the member returns to baccalaureate or post-baccalaureate **training education** within eighteen (18) months after completion of active military service and subsequently completes that **training education**.
- (3) The member has at least ten (10) years of in-state service

C
O
P
Y



credit.

(e) The maximum amount of service credit that may be granted to a member who meets the conditions of subsection (c), or (d) is six (6) years. However, for purposes of subsection (c), or (d), the time served by the member in active military service for the length of active service in hostilities and necessary demobilization is not subject to the one-seventh rule specified in section 5 of this chapter.

(f) The board shall extend the eighteen (18) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher ~~training~~ **education** program within eighteen (18) months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(g) If a member retires, and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (f), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(h) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(i) Subject to the provisions of this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.
- (4) Before the member retires, the member makes contributions to the fund as follows:
 - (A) Contributions that are equal to the product of the following:

**C
o
p
y**



(i) The member's salary at the time the member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(j) The following apply to the purchase of service credit under subsection (i):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit."

Page 37, line 17, after "the" insert "**advisory board of the division of professional standards of the**".

Page 37, line 18, delete "IC 20-1-1.1-2." and insert "**20-1-1.4-3.**".

C
o
p
y



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.
(Reference is to SB 371 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 5, Nays 4.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Engrossed Senate Bill 371.

KENLEY

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 9.

Page 10, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 1. IC 4-1-8-1, AS AMENDED BY HEA 1288-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services;

ES 371—LS 7790/DI 109+



C
o
p
y

and

(D) the office of Medicaid policy and planning;
of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Health professions bureau.

(11) Indiana professional licensing agency.

(12) ~~Indiana~~ Department of insurance, with respect to licensing of insurance producers.

(13) A pension fund administered by the board of trustees of the public employees' retirement fund.

(14) The Indiana state teachers' retirement fund.

(15) The state police benefit system.

(16) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

C
o
p
y



(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-3.1-2-1, AS AMENDED BY HEA 1288-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, the following terms have the following meanings:

(1) "Eligible teacher" means a teacher:

(A) certified in a shortage area by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and

(B) employed under contract during the regular school term by a school corporation in a shortage area.

(2) "Qualified position" means a position that:

(A) is relevant to the teacher's ~~academic training~~ **education** in a shortage area; and

(B) has been approved by the Indiana state board of education under section 6 of this chapter.

(3) "Regular school term" means the period, other than the school summer recess, during which a teacher is required to perform duties assigned to the teacher under a teaching contract.

(4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

(5) "Shortage area" means the subject areas of mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.

(6) "State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-3 and IC 6-5.5, as computed after application of credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

C
o
p
y



SECTION 3. IC 9-24-2-1, AS AMENDED BY HEA 1288-2005, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-33-2-11.
- (2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.
- (3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.
- (4) Has withdrawn from school **and:**
 - (A) **withdrew before graduating;**
 - (B) **withdrew** for a reason other than financial hardship; and
 - (C) the withdrawal was reported under IC 20-33-2-21(a). **before graduating.**

(5) Is considered a dropout under IC 20-33-2-9.5.

(b) At least five (5) days before holding an exit interview under ~~IC 20-33-2-6(a)(3);~~ **IC 20-33-2-9.5**, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent or guardian will receive a copy of the determination; and
 - (B) the student's name will be submitted **by the student's school principal** to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 4. IC 9-27-4-5.5, AS AMENDED BY HEA 1288-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

- (1) a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1;~~ **IC 20-19-3-1;** and
- (2) at least five (5) years of teaching experience in driver

C
o
p
y



education.

(b) The three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

- (1) The individual meets the requirements of subsection (a).
- (2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.
- (3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

- (1) during 1995, held an instructor's license;
- (2) meets the requirements of subsection (d)(2) and (d)(3); and
- (3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by

C
o
p
y



the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 5. IC 10-13-3-38.5, AS AMENDED BY HEA 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-22-2-1;

(E) at the Indiana School for the Blind established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1**.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for

C
o
p
y



processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 6. IC 11-10-5-2, AS AMENDED BY HEA 1288-2005, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory board of the division of professional standards** ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 7. IC 11-10-5-3, AS AMENDED BY HEA 1288-2005, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the **advisory board of the division of professional standards** ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2**. Modification of these rules may be made by the **advisory board of the division of professional standards** ~~board~~ in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special **training education** and qualifications warrant the waiver of part of the prerequisite professional **training education** required for certification to teach in the public schools. The limited certificate, however, may be issued only to applicants who have graduated from an accredited college or university. Teachers of vocational education need not be graduates of an accredited college or university but shall meet requirements for conditional vocational certificates as determined by the ~~professional standards board~~ **department of education**.

SECTION 8. IC 12-17-2-34, AS AMENDED BY HEA 1288-2005, SECTION 132, IS A MENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that ~~includes~~ **does** the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in

C
o
p
y



arrears.

(3) States that unless the obligor:

- (A) pays the obligor's child support arrearage in full;
- (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or
- (C) requests a hearing under section 35 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

- (A) Pay the obligor's child support arrearage in full.
- (B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.
- (C) Request a hearing under section 35 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

- (A) the board **or department** that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;
- (B) the supreme court disciplinary commission if the obligor is licensed to practice law;
- (C) the ~~professional standards board~~ **as department of education** established by ~~IC 20-28-2-4~~ **IC 20-19-3-1** if the obligor is a licensed teacher;
- (D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;
- (E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;
- (F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
- (G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:
 - (i) IC 14-22-12 (fishing, hunting, and trapping licenses).

C
o
p
y



- (ii) IC 14-22-14 (Lake Michigan commercial fishing license).
- (iii) IC 14-22-16 (bait dealer's license).
- (iv) IC 14-22-17 (mussel license).
- (v) IC 14-22-19 (fur buyer's license).
- (vi) IC 14-24-7 (nursery dealer's license).
- (vii) IC 14-31-3 (ginseng dealer's license).
- (6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.
- (7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.
- (8) Explains the procedures to:
 - (A) pay the obligor's child support arrearage in full;
 - (B) establish a payment plan with the Title IV-D agency to pay the arrearage; and
 - (C) request the activation of an income withholding order under IC 31-16-15-2.
- (b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:
 - (1) pay the obligor's child support arrearage in full;
 - (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
 - (3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;
 the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.
- (c) An order issued under subsection (b) must require the following:
 - (1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.
 - (2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.
- (d) The Title IV-D agency shall provide the:
 - (1) full name;

C
o
p
y



(2) date of birth;
 (3) verified address; and
 (4) Social Security number or driving license number;
 of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board **or department** regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the ~~professional standards board~~ **department of education** if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the

C
o
p
y



commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3."

Page 22, between lines 34 and 35, begin a new paragraph and insert:

"(c) Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:

- (1) Has successfully completed a course approved by the board in:**
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
 - (B) removing a foreign body causing an obstruction in an airway; and**
 - (C) the Heimlich maneuver.**
- (2) Holds a valid certification in the procedures described in**

C
o
p
y



subdivision (1) issued by:

- (A) the American Red Cross;**
- (B) the American Heart Association; or**
- (C) a comparable organization or institution approved by the board.**

(3) Has physical limitations that make it impracticable for the applicant to complete the course and certification required under subdivisions (1) and (2)."

Page 22, line 35, strike "(c)" and insert **"(d)"**.

Page 26, between lines 2 and 3, begin a new paragraph and insert:

"(b) Each individual who completes a written examination described in subsection (a) must receive the following from the examination's scorer:

- (1) The individual's total test score.**
- (2) Subscores for each area tested.**
- (3) Itemized descriptions of the areas in which the individual was found to be deficient.**

(c) This subsection applies to an individual who has attempted the written examination described in subsection (a) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination."

Page 26, line 3, strike "(b)" and insert **"(d)"**.

Page 26, line 6, strike "(c)" and insert **"(e)"**.

Page 26, line 12, strike "(d)" and insert **"(f)"**.

Page 26, line 16, strike "(e)" and insert **"(g)"**.

Page 26, line 18, strike "(f)" and insert **"(h)"**.

Page 31, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 41. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a

**C
o
p
y**



school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

- (1) Graduates.
- (2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and **meets** the requirements under ~~subsection (j) concerning an exit interview are met~~ **section 17.6 or 17.7 of this chapter**, enabling the individual to withdraw from school before graduation. ~~or~~
- (3) Reaches at least eighteen (18) years of age.

~~whichever occurs first:~~

- (c) An individual who:
 - (1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and
 - (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

- (1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or
- (2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the

C
o
p
y



superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

- (1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).
- (2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

- (1) enroll the individual in a nonaccredited, nonpublic school; or
- (2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
- (2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) (j) For the purposes of this section, "school year" has the

C
o
p
y



meaning set forth in IC 21-2-12-3(h).

SECTION 42. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant, **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**
- (2) the procedures under which subsection (b) will be administered; and
- (3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's permit, and subject to subsections (c) through (e), a person who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (a); and
- (3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's permit.

(f) Before February 1 and before October 1 of each year, the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning a person's ineligibility under subsection (b) to be issued the license or permit.

(g) The department of education shall develop guidelines concerning criteria used in defining a habitual truant that may be

C
o
p
y



considered by a governing body in complying with subsection (a).

SECTION 43. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.6. (a) This section applies to an individual:**

(1) who:

- (A) attends or last attended a nonpublic nonaccredited school;**
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and**
- (C) has not completed the requirements for graduation; and**

(2) who:

- (A) wishes to withdraw from school before graduation;**
- (B) fails to return at the beginning of a semester; or**
- (C) stops attending school during a semester.**

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 44. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an individual:**

(1) who:

- (A) attends or last attended a public or nonpublic accredited school;**
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and**
- (C) has not completed the requirements for graduation;**

(2) who:

- (A) wishes to withdraw from school before graduation;**
- (B) fails to return at the beginning of a semester; or**
- (C) stops attending school during a semester; and**

(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.**
- (2) The individual's parent consents to the withdrawal.**
- (3) The school principal approves of the withdrawal.**
- (4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.**

**C
o
p
y**



(5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.

(6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-5.5-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;
 and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

- (1) has not received consent to withdraw from school under this section; and
- (2) fails to return to school at the beginning of a semester or

**C
O
P
Y**



during the semester;
the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-8.1-4-12, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

- (1) a principal has delivered the record required under subsection (f) or (g), or both; and
- (2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-8.1-4-12 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 45. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as provided in subsection (b)**, upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

- ~~(1) whose attendance is not in good standing; or~~
- ~~(2) whose academic performance does not meet the school corporation's standard.~~

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

C
o
p
y



(4) Is considered a dropout under IC 20-8.1-3-17.7.

(5) Does not meet the academic performance standards of the school corporation.

~~(b)~~ **(c)** Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

~~(c)~~ **(d)** A student may appeal the denial of a certificate under subsection (a) to the school principal.

(e) At least five (5) days before holding an exit interview under IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section."

Page 34, after line 42, begin a new paragraph and insert:

"SECTION 46. IC 20-10.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall:

(1) authorize the development and implementation of the Indiana statewide testing for educational progress program; and

(2) determine the date, **which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year**, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

(3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and

C
o
p
y



for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:

- (A) Test administration conducted during the first two (2) weeks that end in May.
- (B) Test scoring completed before June 16.
- (C) Test results reported to teachers and parents before July 1.
- (D) Yearly progress reported to parents and the federal government before July 16.

SECTION 47. IC 20-10.1-16-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:**

- (1) has as its purposes to:
 - (A) provide teachers with diagnostic assessment tools during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct instruction accordingly;
 - (B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and
 - (C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.
- (2) uses:
 - (A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;
 - (B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language

**C
o
p
y**



arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;

(C) on-line end of course assessments in grades 9 through 12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;

(D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;

(3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

(A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;

(B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;

(C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and

(D) provides for a common method and means by which teachers shall grade the independent written essay.

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary

C
O
P
Y



education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section."

Page 36, between lines 5 and 6, begin a new paragraph and insert:
"SECTION 56. IC 20-12-22.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 22.2. Teacher Recruitment and Retention Fund

Sec. 1. As used in this chapter, "board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.

Sec. 2. As used in this chapter, "fund" refers to the teacher recruitment and retention fund established by section 3 of this chapter.

Sec. 3. (a) The teacher recruitment and retention fund is established.

(b) The purpose of the fund is to attract additional qualified teachers to the geographic areas of Indiana where there is a critical shortage of teachers, as determined by the board, by granting loan repayment assistance authorized under this chapter to eligible applicants.

**C
O
P
Y**



(c) The fund consists of gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(d) The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(e) Funds appropriated to the fund shall be placed in the state treasury to the credit of the fund. Loan repayment assistance payments shall be made from the fund by the treasurer of state upon a warrant issued by the auditor of state in accordance with rules adopted by the board.

Sec. 4. The board shall receive and consider all applications for loan repayment assistance received from teachers with outstanding guaranteed student loans made, issued, or guaranteed under a program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

Sec. 5. (a) To qualify for loan repayment assistance for student loans under this chapter a person must:

- (1) hold a license to teach under IC 20-28-5;
- (2) complete at least one (1) year of teaching service in a geographic area of Indiana where a critical shortage of teachers exists, as determined by the board;
- (3) agree in writing to the employment requirements set forth in section 7 of this chapter; and
- (4) meet any additional criteria established by the board.

(b) For each year for which a teacher qualifies under subsection (a), the board may grant loan repayment assistance to the teacher in an amount not to exceed the lesser of:

- (1) fifty percent (50%) of the total principal and interest of the guaranteed student loans owed by the teacher during the year for which the teacher qualifies under subsection (a); or
- (2) three thousand dollars (\$3,000).

(c) The loan repayment assistance granted to a qualified teacher under this chapter must be used to reduce the principal and interest on a guaranteed student loan owed by that qualified teacher. The years of service rendered to obtain loan repayment assistance for student loans must be consecutive and may not exceed five (5) years. The maximum amount of loan repayment assistance that may be granted to any qualified teacher is fifteen thousand dollars (\$15,000).

Sec. 6. A qualified teacher must apply for a loan repayment on a form supplied by the board. The board shall consider each application and determine the eligibility of the applicant for the loan repayment assistance.

**C
O
P
Y**



Sec. 7. (a) Before being granted loan repayment assistance under this chapter, a teacher must enter into a contract with the board agreeing to the terms and conditions upon which the loan repayment assistance will be granted to the teacher.

(b) As a condition of being granted loan repayment assistance under this chapter, a teacher must agree to employment for a period of at least five (5) years as a licensed teacher in a school district located in a geographic area of Indiana where a critical shortage of teachers exists.

(c) Service rendered by a teacher in a geographic area where a critical shortage of teachers exists before that teacher becomes a participant in the program may not be considered to have fulfilled the employment commitment required by subsection (b).

(d) A person failing to comply with the employment commitment required by subsection (b) in any required school year is immediately in breach of contract and immediately becomes liable to the board for the sum of all loan payments awarded to that person, less one-third (1/3) of the amount of that sum for each year that service was rendered, plus interest accruing at the current federal Stafford Loan rate at the time the breach occurs.

Sec. 8. The board shall maintain complete and accurate records in implementing the fund, including records of the following:

- (1)** The receipt, disbursement, and uses of money from the fund.
- (2)** The number of applications for loan repayment assistance.
- (3)** The number and amount of loans for which loan repayment assistance has been provided by the board.
- (4)** Other pertinent information requested by the board.

Sec. 9. The board may adopt rules under IC 4-22-2 necessary to carry out this chapter, including rules governing the enforcement of any employment requirements and repayment requirements.

SECTION 57. IC 20-18-2-22, AS ADDED BY HEA 1288-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain ~~teacher training preparations~~ **educational preparation** and licensing.

(b) For purposes of IC 20-28, the term includes the following:

- (1)** A superintendent.
- (2)** A supervisor.
- (3)** A principal.
- (4)** An attendance officer.
- (5)** A teacher.

**C
O
P
Y**



(6) A librarian.

SECTION 58. IC 20-20-31-10, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department and the **advisory board of the division of professional standards board** established by ~~IC 20-28-2-1~~. **IC 20-28-2-2**. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

- (1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.
- (2) A procedure for using collected data to make decisions.
- (3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

SECTION 59. IC 20-24-8-4, AS ADDED BY HEA 1288-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) An Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the state board.
- (3) A rule or guideline adopted by the **advisory board of the division of professional standards board of the department** established by ~~IC 20-28-2-1(a)~~, **IC 20-28-2-2**, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 60. IC 20-26-11-11, AS ADDED BY HEA 1288-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or
- (2) a nonprofit corporation that:

C
o
p
y



- (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (B) for its classroom instruction, employs teachers who are certified by the ~~professional standards board~~; **department**;
- (C) employs other professionally and state licensed staff as appropriate; and
- (D) educates children who:
 - (i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;
 - (ii) have been placed with the nonprofit corporation by court order;
 - (iii) have been referred by a local health department; or
 - (iv) have been placed in a state licensed private or public health care or child care facility as described in section 8(b) of this chapter;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

SECTION 61. IC 20-28-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. "Advisory board" refers to the advisory board of the division of professional standards established by IC 20-28-2-2.**

SECTION 62. IC 20-28-1-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. "Applicant" refers to an applicant for:**

- (1) a new license;
- (2) a renewal license; or
- (3) a substitute teacher certificate;

issued by the ~~board~~; **department**.

SECTION 63. IC 20-28-1-5.5 IS ADDED TO THE INDIANA

**C
o
p
y**



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5 "Division" refers to the division of professional standards of the department of education established by IC 20-28-2-1.5.**

SECTION 64. IC 20-28-1-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "License" refers to a document issued by the ~~board~~ **department** that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the ~~board~~ **department**.

SECTION 65. IC 20-28-2-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~(a) Except as provided in section 6 of this chapter, the professional standards board is established to govern teacher training and licensing programs. (b) Notwithstanding any other law, the board and the board's staff have~~ **department has the sole authority and responsibility for making recommendations concerning and governing teacher training education and teacher licensing matters, including professional development.**

SECTION 66. IC 20-28-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 67. IC 20-28-2-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **The advisory board of the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development. The advisory board consists of nineteen (19) voting members.**

(b) Except as otherwise provided, each voting member of the **advisory** board described in this subsection must be actively employed by a school corporation. Eighteen (18) members shall be appointed by the governor as follows:

- (1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.
- (2) Two (2) members must:
 - (A) hold licenses as public school principals;
 - (B) be actively employed as public school principals; and
 - (C) be employed at schools having dissimilar grade level

C
o
p
y



configurations.

(3) One (1) member must:

- (A) hold a license as a special education director; and
- (B) be actively employed as a special education director in:
 - (i) a school corporation; or
 - (ii) a public school special education cooperative.

(4) One (1) member must be a member of the governing body of a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(5) Three (3) members must meet the following conditions:

- (A) Represent Indiana teacher **training education** units within Indiana public and private institutions of higher education.
- (B) Hold a teacher's license but not necessarily an Indiana teacher's license.
- (C) Be actively employed by the respective teacher **training education** units.

The members described in this subdivision are not required to be employed by a school corporation.

(6) Nine (9) members must be licensed and actively employed as Indiana public school teachers in the following categories:

- (A) At least one (1) member must hold an Indiana standard early childhood education license.
- (B) At least one (1) member must hold an Indiana teacher's license in elementary education.
- (C) At least one (1) member must hold an Indiana teacher's license for middle/junior high school education.
- (D) At least one (1) member must hold an Indiana teacher's license in high school education.

(7) One (1) member must be a member of the business community in Indiana but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(c) Each member described in subsection (b)(6) must be licensed and actively employed as a practicing teacher in at least one (1) of the following areas to be appointed:

- (1) At least one (1) member must be licensed in special education.
- (2) At least one (1) member must be licensed in vocational education.
- (3) At least one (1) member must be employed and licensed in student services, which may include school librarians or psychometric evaluators.
- (4) At least one (1) member must be licensed in social science education.

C
o
p
y



(5) At least one (1) member must be licensed in fine arts education.

(6) At least one (1) member must be licensed in English or language arts education.

(7) At least one (1) member must be licensed in mathematics education.

(8) At least one (1) member must be licensed in science education.

(d) At least one (1) member described in subsection (b) must be a parent of a student enrolled in a public preschool or public school within a school corporation in either kindergarten or any of grades 1 through 12.

(e) The state superintendent shall serve as an ex officio voting member of the **advisory** board. The state superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.

SECTION 68. IC 20-28-2-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The term of office for the appointed members of the **advisory** board is four (4) years.

SECTION 69. IC 20-28-2-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **The superintendent shall appoint the chairperson director of the advisory board, shall be elected by a majority of the members of the board who shall be known as the secretary of professional standards,** from among the members of the **advisory** board for a term of one (1) year. A member may be ~~reelected~~ **reappointed** to serve as a ~~chairperson director~~ for subsequent terms.

SECTION 70. IC 20-28-2-5, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

C
o
p
y



SECTION 71. IC 20-28-2-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Subject to subsection (c) and** in addition to the powers and duties set forth in IC 20-20-22 or this article, the **advisory board shall may** adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and **administer for the administration of** a professional licensing and certification process **by the department.**
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning higher education and experience equivalency.
- (8) Perform any other action that:
 - (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
 - (B) attracts qualified candidates for teacher **training education** from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.
- (b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

SECTION 72. IC 20-28-2-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The **board department** may recommend to the general assembly for consideration measures relating to the **board's department's** powers and duties that improve the quality of teacher

C
o
p
y



preparation or teacher licensing standards.

(b) The ~~board~~ **department** shall submit to the general assembly before November 1 of each year a report:

- (1) detailing the findings and activities of the **department, the division, and the advisory** board; and
- (2) including any recommendations developed ~~by the board~~ **under this chapter.**

A report under this subsection must in an electronic format under IC 5-14-6.

SECTION 73. IC 20-28-2-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The ~~board~~ **department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter:**

- (1) Establish advisory committees the ~~board~~ **department** determines necessary.
- (2) Expend funds made available to the ~~board~~ **department** according to policies established by the budget agency.

(b) The ~~board~~ **department** shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 74. IC 20-28-2-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. IC 4-21.5 applies to orders issued by the ~~board~~ **department under this chapter.**

SECTION 75. IC 20-28-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

SECTION 76. IC 20-28-3-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) The ~~board~~ department shall:**

- (1) arrange a statewide system of professional instruction for teacher ~~training~~ **education;**
- (2) accredit and inspect teacher ~~training~~ **education** schools and departments that comply with the rules of the ~~board~~ **department;**
- (3) recommend and approve courses for the ~~training~~ **education** of particular kinds of teachers in accredited schools and

C
o
p
y



departments; and

(4) specify the types of licenses for graduates of approved courses.

(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest professional standards.

SECTION 77. IC 20-28-3-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) An accredited school or department may use the word "accredited" in advertising approved courses and the types of teachers the school or department is accredited to prepare. An accredited school or department may enter into the student teaching agreements specified in IC 20-26-5.

(b) The ~~board~~ **department** shall revoke the right to use the word "accredited" when an accredited school or department refuses to abide by the **advisory** board's rules.

SECTION 78. IC 20-28-3-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~, ~~in consultation with the~~ department, shall develop guidelines for use by accredited teacher **training education** institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

SECTION 79. IC 20-28-4-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to the requirements of this chapter, the ~~board~~ **department** shall develop and administer the program. The ~~board~~ **department** shall determine the details of the program that are not included in this chapter.

SECTION 80. IC 20-28-4-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Each accredited teacher **training education** school and department in Indiana shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grades 6 through 12, up to eighteen (18) credit hours

C
o
p
y



of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 81. IC 20-28-4-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The **board department** shall grant an initial standard license to a program participant who does the following:

(1) Successfully completes the higher education component of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 (repealed) that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program under subdivision (3) from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, **participates continues participating** in the beginning teacher internship program. ~~for a second year as provided under IC 20-6.1-8-13 (repealed).~~ The ~~appeals~~ provisions of

C
o
p
y



~~IC 20-6-1-8-14 (repeated)~~ apply to an assessment under this subdivision.

SECTION 82. IC 20-28-4-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. This section applies to a program participant who has a degree described in section 5 of this chapter that does not include all the content areas of a standard license issued by the ~~board~~ **department**. The **board department** shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

SECTION 83. IC 20-28-4-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **advisory** board may adopt rules under IC 4-22-2 to administer this chapter.

(b) Rules adopted under this section must include a requirement that accredited teacher ~~training~~ **education** schools and departments in Indiana submit an annual report to the **board department** of the number of individuals who:

- (1) enroll in; and
- (2) complete;

the program.

SECTION 84. IC 20-28-5-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The **board department** is responsible for the licensing of teachers.

SECTION 85. IC 20-28-5-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory** board may adopt rules for:

- (1) the issuance of a substitute teacher's license; and
- (2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the ~~board~~ **department**.

SECTION 86. IC 20-28-5-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The **board department** shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The **board department** shall determine details of licensing not provided in this chapter, including requirements regarding the following:

C
o
p
y



- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher ~~training~~ **education** schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher ~~training~~ **education** institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The ~~board~~ **department** shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The ~~board~~ **department** shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 87. IC 20-28-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:**

- (1) **Has successfully completed a course approved by the board in:**
 - (A) **cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
 - (B) **removing a foreign body causing an obstruction in an airway; and**
 - (C) **the Heimlich maneuver.**
- (2) **Holds a valid certification in the procedures described in subdivision (1) issued by:**
 - (A) **the American Red Cross;**
 - (B) **the American Heart Association; or**

C
o
p
y



(C) a comparable organization or institution approved by the board.

(3) Has physical limitations that make it impracticable for the applicant to complete the course and certification required under subdivisions (1) and (2).

SECTION 88. IC 20-28-5-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. On the written recommendation of the state superintendent, the ~~board~~ **department** may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation, the ~~board~~ **department** shall comply with IC 4-21.5-3.

SECTION 89. IC 20-28-5-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The ~~board~~, **department**, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the ~~board~~ **department** to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen

C
o
p
y



(18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

(13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 90. IC 20-28-5-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the **board department** the limited criminal history for the applicant.

(4) Submit to the **board department** a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(b) The **board department** may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

C
o
p
y



(c) The ~~board~~ **department** must use the information obtained under this section in accordance with IC 10-13-3-29.

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 91. IC 20-28-5-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The ~~board~~ **department** shall keep a record of:

- (1) all licenses issued;
- (2) all licenses in force; and
- (3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:

- (1) The type of license held by the teacher.
- (2) The teacher's date of first employment.
- (3) The teacher's annual or monthly salary.

SECTION 92. IC 20-28-5-11, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply to an individual who, on September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

(b) The ~~board~~ **department** may not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. The semester hours may include graduate hours or undergraduate hours, or both, as determined by the board.

(c) The **advisory** board may:

- (1) adopt rules under IC 4-22-2 to create exceptions to the requirements under subsection (b); and
- (2) waive the requirements under subsection (b) on an individual basis.

SECTION 93. IC 20-28-5-12, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.

C
o
p
y



(b) The ~~board~~ **department** may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ **department**:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:
 - (A) phonemic awareness; and
 - (B) phonics instruction.

(c) Each individual who completes a written examination described in subsection (b) must receive the following from the examination's scorer:

- (1) The individual's total test score.
- (2) Subscores for each area tested.
- (3) Itemized descriptions of the areas in which the individual was found to be deficient.

(d) This subsection applies to an individual who has attempted the written examination described in subsection (b) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination.

~~(c)~~ (e) An individual's license examination score may not be disclosed by the ~~board~~ **department** without the individual's consent unless specifically required by state or federal statute or court order.

~~(d)~~ (f) The **advisory** board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

~~(e)~~ (g) The board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived

C
o
p
y



for ~~individuals~~ **an individual** holding a valid ~~teachers' licenses~~ **teacher's license** issued by another state.

SECTION 94. IC 20-28-5-14, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. If the ~~board~~ **department** is notified by the department of state revenue that an individual is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the individual until:

- (1) the individual provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or
- (2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 95. IC 20-28-9-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A teacher's minimum salary each school year must be computed based on the teacher's ~~training,~~ **education,** experience, and degree completed as of the teacher's first day of service.

(b) If a teacher is licensed by the ~~board~~ **department** on:

- (1) the first day of service in the current school year; or
- (2) another date as agreed by the school employer and the exclusive representative under IC 20-29;

the teacher's minimum salary is computed under section 2 of this chapter.

SECTION 96. IC 20-28-9-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A teacher's minimum salary for service during a nine (9) month school term is computed as follows:

- (1) For a teacher who has completed four (4) years or one hundred forty-four (144) weeks of professional ~~training,~~ **education,** five thousand two hundred dollars (\$5,200), plus:
 - (A) an additional increment of one hundred fifty dollars (\$150) after each of the first ten (10) years of experience; and
 - (B) an additional increment of two hundred fifty dollars (\$250) after each of the following years of experience:
 - (i) The fifteenth.
 - (ii) The twentieth.
- (2) For a teacher who has completed five (5) years or one hundred eighty (180) weeks of professional ~~training,~~ **education,** five thousand five hundred dollars (\$5,500), plus:

C
o
p
y



(A) an additional increment of one hundred fifty dollars (\$150) after each of the first eighteen (18) years of experience; and
 (B) an additional increment of three hundred dollars (\$300) after each of the following years of experience:

- (i) The nineteenth.
- (ii) The twentieth.
- (iii) The twenty-second.
- (iv) The twenty-fourth.
- (v) The twenty-sixth.
- (vi) The thirtieth.

(3) For a teacher who has completed less than four (4) years of professional ~~training~~, **education**, four thousand seven hundred dollars (\$4,700), plus an additional increment of one hundred twenty dollars (\$120) after each of the first ten (10) years of experience.

SECTION 97. IC 20-28-9-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~board~~ **department** shall require each teacher to hold:

- (1) a bachelor's degree from an accredited teacher ~~training~~ **education** institution to qualify for the first time for classification under section 2(1) of this chapter; and
- (2) a master's degree to qualify for the first time for classification under section 2(2) of this chapter.

(b) A teacher may not receive credit for five (5) years of ~~training~~ **education** under section 2(2) of this chapter unless the teacher has completed at least a bachelor's degree.

SECTION 98. IC 20-28-9-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An individual who:

- (1) holds:
 - (A) a professional license;
 - (B) a provisional license;
 - (C) a limited license; or
 - (D) an equivalent license issued by the ~~board~~, **department**;
- and
- (2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

- (1) holds a:
 - (A) professional license; or

C
O
P
Y



(B) provisional license; and
 (2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;
 shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

SECTION 99. IC 20-28-12-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the ~~board~~ **department**.

(2) Be employed by a:

- (A) developmental center;
- (B) state hospital;
- (C) public or private hospital;
- (D) mental health center;
- (E) rehabilitation center;
- (F) private school; or
- (G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has received at least a sixty (60) semester hour master's or specialist degree in school psychology from:

- (A) a recognized institution of higher learning; or
- (B) an educational institution not located in the United States that has a program of study that meets the standards of the ~~board~~ **department**.

(4) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has demonstrated graduate level competency through the successful completion of course work and a practicum in the areas of assessment and counseling.

(5) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has at least one thousand two hundred (1,200) hours of school psychology experience beyond the master's degree level. At least six hundred (600) hours must be in a school setting under the supervision of any of the following:

- (A) A physician licensed under IC 25-22.5.

C
o
p
y



(B) A psychologist licensed under IC 25-33.

(C) A school psychologist endorsed under this chapter.

(6) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has completed, in addition to the requirements in subdivision (5), at least four hundred (400) hours of supervised experience in identification and referral of mental and behavioral disorders, including at least one (1) hour each week of direct personal supervision by a:

(A) physician licensed under IC 25-22.5;

(B) psychologist licensed under IC 25-33; or

(C) school psychologist endorsed under this chapter; with at least ten (10) hours of direct personal supervision.

(7) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), fifty-two (52) hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter that meets the following requirements:

(A) The fifty-two (52) hours must be completed within at least twenty-four (24) consecutive months but not less than twelve (12) months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

(C) At least nine hundred (900) hours of direct client contact must take place during the total period under clause (A).

(8) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(10) Pass the examination provided by the ~~board~~ **department**.

SECTION 100. IC 20-30-5-6, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

(1) Being honest and truthful.

(2) Respecting authority.

C
o
p
y



- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.
- (c) The department shall:
 - (1) identify; and
 - (2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher **training education** program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

SECTION 101. IC 20-30-5-14, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are; designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in

C
o
p
y



complying with this section.

(d) The models described in this subsection must be developed in accordance with the following:

- (1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.
- (2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.
- (3) For grades 9 through 10, career exploration models that offer students insight into future employment options.
- (4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:
 - (A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.
 - (B) Workplace orientation visits.
 - (C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

- (1) develop and make available teacher guides; and
- (2) conduct seminars or other teacher **training education** activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

SECTION 102. IC 20-30-7-8, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. Except as provided in section 9 of this chapter, an instructor for an educational program described in section 7 of this chapter must be:

- (1) licensed under IC 20-28; or
- (2) granted a substitute teacher's license by the ~~professional standards board~~ **department**.

SECTION 103. IC 20-30-7-9, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. If the superintendent of the school corporation that is the local education agency determines that:

- (1) a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter; and
- (2) a qualified postsecondary instructor is available;

C
o
p
y



to instruct in an educational program described in section 7 of this chapter, the superintendent may request the ~~professional standards board~~ **department** to issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 104. IC 20-30-7-10, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. If the ~~professional standards board~~ **department** finds that a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter to instruct in an educational program described in section 7 of this chapter, the ~~professional standards board~~ **department** may issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 105. IC 20-31-6-1, AS ADDED BY HEA 1288-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The department ~~in consultation with the professional standards board~~, shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

SECTION 106. IC 20-32-5-1, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of Indiana students to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
 - (A) The overall academic progress of students.
 - (B) The need for new or revised educational programs.
 - (C) The need to terminate existing educational programs.
 - (D) Student readiness for postsecondary school experiences.
 - (E) Overall curriculum development and revision activities.
 - (F) Identifying students who may need remediation under IC 20-32-8.
 - (G) Diagnosing individual student needs.



C
o
p
y

(H) Teacher ~~training~~ **education** and staff development activities.

SECTION 107. IC 20-32-5-4, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state board shall:

- (1) authorize the development and implementation of the ISTEP program; and
- (2) determine the date, **which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year**, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

- (1) Take into account the academic standards adopted under IC 20-31-3.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.
- (3) **Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:**
 - (A) Test administration conducted during the first two (2) weeks that end in May.
 - (B) Test scoring completed before June 16.
 - (C) Test results reported to teachers and parents before July 1.
 - (D) Yearly progress reported to parents and the federal government before July 16.

SECTION 108. IC 20-32-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:**

- (1) has as its purposes to:
 - (A) provide teachers with diagnostic assessment tools during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct

C
o
p
y



instruction accordingly;

(B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.

(2) uses:

(A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;

(B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;

(C) on-line end of course assessments in grades 9 through 12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;

(D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;

**C
O
P
Y**



(3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

(A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;

(B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;

(C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and

(D) provides for a common method and means by which teachers shall grade the independent written essay.

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated

**C
o
p
y**



by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section.

SECTION 109. IC 20-33-2-6, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until ~~the date on which the student meets one (1) of the following conditions, whichever occurs first:~~

- (1) Graduates.
- (2) Becomes eighteen (18) years of age. ~~or~~
- (3) Becomes sixteen (16) years of age but is less than eighteen (18) years of age and **meets** the requirements under ~~section 9~~ **section 9.5 or 12.5** of this chapter, ~~concerning an exit interview are met~~ enabling the student to withdraw from school before graduation.

~~whichever occurs first:~~

- (b) A student who:
 - (1) enrolls in school before the fall school term for the school year in which the student becomes seven (7) years of age; and
 - (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the student is reenrolled as required in subsection (a). This chapter shall not be construed to require that a student complete grade 1 before the student becomes eight (8) years of age.

SECTION 110. IC 20-33-2-9, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. ~~(a)~~ The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory~~

C
o
p
y



school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:
 - (A) student's parent; and
 - (B) school principal;
 each provide written consent for the student to withdraw from school.

SECTION 111. IC 20-33-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. (a) This section applies to an individual:**

- (1) who:
 - (A) attends or last attended a public or nonpublic accredited school;
 - (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
 - (C) has not completed the requirements for graduation;
- (2) who:
 - (A) wishes to withdraw from school before graduation;
 - (B) fails to return at the beginning of a semester; or
 - (C) stops attending school during a semester; and
- (3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.
- (5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.
- (6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

C
o
p
y



(7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;
 and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

- (1) has not received consent to withdraw from school under this section; and
- (2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record

C
O
P
Y



under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or subsection (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 112. IC 20-33-2-11, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, **who must be defined at a minimum as a child who is chronically absent with more than ten (10) unexcused absences from school during one (1) school year;**

(2) the procedures under which subsection (a) will be administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the

C
O
P
Y



procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 113. IC 20-33-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5 (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 114. IC 20-33-2-41, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 41. With the exception of ex officio attendance

**C
O
P
Y**



officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the ~~professional standards board~~ **department** and has been properly licensed by ~~that body:~~ **the department.**

SECTION 115. IC 20-33-3-13, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) **Except as provided in subsection (b),** upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

- ~~(1) whose attendance is not in good standing; or~~
- ~~(2) whose academic performance does not meet the school corporation's standard.~~

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-33-2-11.**
- (2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.**
- (3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.**
- (4) Is considered a dropout under IC 20-33-2-9.5.**
- (5) Does not meet the academic performance standards of the school corporation.**

~~(b)~~ **(c)** Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued.

~~(c)~~ **(d)** A student may appeal the denial of a certificate under subsection (a) to the principal.

(e) At least five (5) days before holding an exit interview under IC 20-33-2-9.5, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.**
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:**
 - (A) the student and the student's parent will receive a copy of the determination; and**

**C
o
p
y**



(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section."

Page 39, line 25, delete "IC 20-1-1.1-2." and insert "**IC 20-19-3-1.**"

Page 39, delete lines 26 through 42.

Delete pages 40 through 41.

Page 42, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 117. IC 25-33-1-3, AS AMENDED BY HEA 1288-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the **Indiana** department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances,

**C
O
P
Y**



be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of the state for deposit in the state general fund.

(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

(3) a qualified physician licensed under IC 25-22.5;

(4) a school psychologist who holds a valid:

(A) license issued by the ~~professional standards board~~
department of education under IC 20-28-2; or

(B) endorsement under IC 20-28-12;

practicing within the scope of the school psychologist's license or

C
O
P
Y



endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

(1) the social work certification and marriage and family therapists credentialing board; and

(2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials."

Page 42, delete lines 8 through 42.

Page 43, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 118. IC 25-33-1-14, AS AMENDED BY HEA 1288-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching,

C
O
P
Y



research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the ~~professional standards board~~ **department of education** (established by ~~IC 20-28-2-1~~) **IC 20-19-3-1**) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) It is unlawful for an individual to:

(1) claim that the individual is a psychologist; or

(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist" or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

(3) a qualified physician licensed under IC 25-22.5;

(4) a school psychologist who holds a valid:

(A) license issued by the ~~professional standards board~~ **department of education** under IC 20-28-2; or

(B) endorsement under IC 20-28-12;

who practices within the scope of the school psychologist's

C
O
P
Y



license or endorsement; or
 (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
 to administer or interpret a restricted psychology test or instrument as established by the board under ~~IC 25-33-1-3(g)~~ **section 3(g) of this chapter** in the course of rendering psychological services to individuals, organizations, or to the public.

(f) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 119. IC 34-30-14-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. A teacher who:**

(1) meets the requirement of IC 20-28-5-3.5; and

(2) either:

(A) performs:

- (i) cardiopulmonary resuscitation; or**
- (ii) the Heimlich maneuver;**

on; or

(B) removes a foreign body that is obstructing the airway of:

another individual;

in the course of employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring during the performance of a function under this section unless the act or omission constitutes gross negligence or willful and wanton misconduct."

Page 43, line 26, after "IC 20-6.1-3-6;" insert "IC 20-8.1-4-3; IC 20-10.1-16-9.1; IC 20-10.1-16-10; IC 20-10.1-16-12;".

Page 43, line 26, delete "IC 20-10.2-2-9.5." and insert "IC 20-10.2-2-9.5; IC 20-28-1-4; IC 20-28-5-6; IC 20-32-5-18; IC 20-32-5-20; IC 20-32-5-22."

Page 43, line 28, delete "IC 20-1-1.4-2" and insert "**IC 20-28-2-1**".

Page 43, line 31, delete "IC 20-1-1.1-2:" and insert "**IC 20-19-3-1**".

Page 43, line 40, delete "IC 20-1-1.4-11," and insert "**IC 20-28-2-10**".

Page 44, line 3, delete "IC 20-1-1.4-3." and insert "**IC 20-28-2-2**".

Page 44, line 7, delete "IC 20-1-1.4-2.5," and insert "**IC 20-28-2-1.5**".

Page 44, line 11, delete "IC 20-1-1.4-3," and insert "**IC 20-28-2-2**".

**C
o
p
y**



Page 44, line 18, delete "IC 20-1-1.1-2." and insert "**20-19-3-1.**".

Page 44, line 23, delete "IC 20-1-1.1-2." and insert "**IC 20-19-3-1.**".

Page 44, after line 23, begin a new paragraph and insert:

"SECTION 122. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 20-28-5-3.5, as added by this act, a college or university located in Indiana may recommend to an individual who has been accepted in a teacher training program before July 1, 2005, that the individual should meet the requirements of IC 20-28-5-3.5, as added by this act.**

(b) **This SECTION expires June 30, 2007.**

SECTION 123. [EFFECTIVE UPON PASSAGE] (a) **The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-33-2-11.5 as added by this act.**

(b) **The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:**

- (1) **unemployment or a lower paying job; and**
- (2) **involvement in criminal activity;**

as the consequence of not obtaining a high school diploma.

(c) **The department of education shall update the statistics described in subsection (b) every two (2) years.**

(d) **This SECTION expires December 31, 2005.**

SECTION 124. [EFFECTIVE JULY 1, 2005]: (a) **If a statute is passed that requires, beginning with the 2010-2011 school year and with certain exceptions, a student to complete the Core 40 curriculum in order to graduate from high school, the department of education shall study and make findings and recommendations on alternate methods for certification including certification in nontraditional ways for teacher licensing for teachers currently employed by a public school to fulfill available positions in shortage areas including mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.**

(b) **In conducting the study and making a determination under this SECTION, the department shall but is not limited to consider the following factors:**

- (1) **the experience of the teacher; and**
- (2) **the subject areas the teacher is currently licensed in.**

(c) **The department shall use any additional certification**

**C
o
p
y**



obtained by a teacher for license renewal.

(d) The department shall submit a report of its findings and recommendations under this SECTION not later than December 31, 2005, to the legislative council in an electronic format under IC 5-14-6.

(d) The report must include:

(1) the results of the study; and

(2) recommendations to the legislative council concerning alternative teacher licensing methods.

(e) This SECTION expires December 31, 2005.

SECTION 125. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 371 as printed February 18, 2005.)

BEHNING, Chair

Committee Vote: yeas 8, nays 4.

C
o
p
y

